

MEYER, Mr. WAXMAN, Mr. OWENS of Utah, Mrs. BENTLEY, Mr. DICKINSON, Mr. LEWIS of Georgia, Mr. MFUME, Mr. ASPIN, Mr. JACOBS, Mr. CARPER, Mr. EDWARDS of Texas, Mr. RUSSO, Mr. KOSTMAYER, Mr. BILBRAY, and Mr. BALLENGER.

H.J. Res. 475: Mr. EMERSON.

H.J. Res. 476: Mr. VALENTINE.

H.J. Res. 479: Mr. HUCKABY, Mr. KENNEDY, Mr. WALSH, Mr. LAGOMARSINO, Mr. HALL of Ohio, Mr. GONZALEZ, Mr. WYLIE, Mrs. LLOYD, Mr. ROEMER, Mr. KLECZKA, Mr. ZELIFF, Mr. WILSON, and Mr. PANETTA.

H.J. Res. 483: Mrs. MORELLA.

H.J. Res. 508: Ms. SLAUGHTER, Mr. MCDERMOTT, Mr. KOSTMAYER, and Mr. WASHINGTON.

H.J. Res. 520: Mr. COBLE, Mr. HALL of Texas, Mr. HUBBARD, Mr. MURTHA, and Mr. NICHOLS.

H. Con. Res. 326: Mr. RITTER, Mr. KOSTMAYER, Mr. GAYDOS, Mrs. COLLINS of Michigan, Mr. FOGLIETTA, and Mr. WHEAT.

H. Con. Res. 345: Mr. PETERSON of Florida, Mr. SISISKY, Mr. ZELIFF, Mrs. MEYERS of Kansas, Mr. SHAYS, Mr. JACOBS, and Mr. RAHALL.

H. Res. 515: Mr. TORRES.

THURSDAY, JULY 23, 1992 (88)

The House was called to order by the SPEAKER.

¶88.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, July 22, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

¶88.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3956. A letter from the Comptroller General, the General Accounting Office, transmitting a report on the status of budget authority that was proposed for rescission by the President in the 4th through 101st special messages for fiscal year 1992, pursuant to 2 U.S.C. 685 (H. Doc. No. 102364); to the Committee on Appropriations and ordered to be printed.

3957. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the U.S. Occupational Safety and Health Review Commission, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3958. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9239, "Temporary Panel of the Office of Employee Appeals Temporary Extension Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3959. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9240, "National Public Radio Revenue Bond and Real Property Tax Exemption Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3960. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9241, "National Learning Center Revenue Bond Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3961. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of the D.C. Act 9242, "Howard University Revenue Bond Act of 1992," pursuant to

D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3962. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9243, "Children's Hospital Revenue Bond Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3963. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9244, "Medlantic Healthcare Group Inc. Revenue Bond Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3964. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9245, "The Catholic University of America Revenue Bond Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3965. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9246, "Rental Housing Act of 1985 Elderly and Disabled Tenant Rental Housing Capital Improvement Relief Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3966. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9247, "Handgun Possession Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3967. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9248, "Uniform Controlled Substances Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3968. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9249, "Free Flow of Information Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3969. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Annual Report on the D.C. Depository Act for fiscal year 1990 and fiscal year 1991," pursuant to D.C. Code, section 47117(d); to the Committee on the District of Columbia.

3970. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions of John Cameron Monjo, of Maryland, to be Ambassador to the Islamic Republic of Pakistan; and of Harriet Isom, of Oregon, to be Ambassador to the Republic of Cameroon, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3971. A letter from the Inspector General, Department of Veterans Affairs, transmitting a correction to the semiannual report for the 6-month period ended March 31, 1992, pursuant to Public Law 95452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

3972. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting the 1991 management report, pursuant to Public Law 101576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3973. A letter from the Farm Credit Bank of Baltimore, transmitting the annual pension plan report of the Farm Credit District of Baltimore Retirement Plan and Thrift Plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3974. A letter from the Deputy Executive Director, Federal Housing Finance Board, transmitting a copy of the actuarial and financial reports of the Federal Home Loan Bank System Pension Portability Plan for the years 1990 and 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3975. A letter from the Seventh Farm Credit District, transmitting the annual pension plan report of the employees of the Seventh Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3976. A communication from the President of the United States, transmitting a draft of proposed legislation to designate certain lands in the State of Oregon as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

3977. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's annual report on the implementation of the Foreign Service Act of 1980, pursuant to 22 U.S.C. 4173; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3978. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for all areas in El Salvador, pursuant to 5 U.S.C. 5928; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3979. A letter from the Secretary of Commerce, transmitting the Secretary's annual report for fiscal year 1991; jointly, to the Committees on Energy and Commerce; Ways and Means; Government Operations; the Judiciary; Science, Space, and Technology; Post Office and Civil Service; Banking Finance and Urban Affairs; Foreign Affairs; and Merchant Marine and Fisheries.

¶88.3 ORDER OF BUSINESS—

CONSIDERATION OF AMENDMENT—

H.R. 5503

On motion of Mr. REGULA, by unanimous consent,

Ordered, That, notwithstanding the provisions of House Resolution 517, during further consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, in the Committee of the Whole, it may be in order that further consideration of the amendment of Mr. Atkins be postponed until a subsequent point during said consideration of the bill, at the discretion of the Chairman of the Committee of the Whole.

¶88.4 INTERIOR APPROPRIATIONS

Mr. YATES moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The question being put, *viva voce*,

Will the House resolve itself into the Committee?

The SPEAKER *pro tempore*, Mr. MURTHA, announced that the yeas had it.

So the motion was agreed to.

Accordingly,

The House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of said bill.

The Chairman, Mr. GLICKMAN, resumed the Chair; and after some time spent therein,

88.5 RECORDED VOTE

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

Page 97, after line 3, insert the following new section:

SEC. 319. Total appropriations made in this Act for the Bureau of Indian Affairs are hereby reduced by \$34,009,000.

It was decided in the { Yeas 135 negative } Nays 266

88.6

[Roll No. 301] AYES—135

Table with 3 columns of names: Allard, Allen, Andrews (TX), Applegate, Archer, Arney, Bacchus, Baker, Ballenger, Barnard, Barton, Bentley, Bilirakis, Biiley, Boehner, Bunning, Burton, Byron, Callahan, Campbell (CA), Clement, Coble, Coleman (MO), Combst, Condit, Cooper, Crane, Dannemeyer, DeLay, Dickinson, Doolittle, Dreier, Duncan, Edwards (OK), Edwards (TX), Emerson, Ewing, Fawell, Fields, Franks (CT), Gallegly, Gekas, Geren, Gibbons, Gilman, etc.

NOES—266

Table with 3 columns of names: Abercrombie, Ackerman, Anderson, Andrews (ME), Andrews (NJ), Annunzio, Anthony, Aspin, Atkins, AuCoin, Barrett, Bateman, Beilenson, Bennett, Bereuter, Berman, Bevil, Bilbray, Boehlert, Bonior, Borski, Boucher, Boxer, Brewster, Brooks, Broomfield, Browder, Brown, Bruce, Bryant, Bustamante, Camp, Campbell (CO), Cardin, etc.

Table with 3 columns of names: Hoyer, Hubbard, Huckaby, Hughes, Hutto, Inhofe, Jacobs, Jefferson, Jenkins, Johnson (SD), Johnston, Jones (GA), Jones (NC), Jontz, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kolbe, Kostmayer, Kyl, LaFalce, Lancaster, Lantos, LaRocco, Laughlin, Lehman (CA), Lehman (FL), Levin (MI), Levine (CA), Lewis (GA), Lipinski, Livingston, Long, Lowey (NY), Manton, Markey, Martin, Martinez, Matsui, Mavroules, Mazzoli, McCloskey, McCurdy, McDade, McDermott, McGrath, McHugh, McNulty, Meyers, Miller (CA), Miller (WA), Mineta, Mink, Moakley, Mollohan, Montgomery, Moody, Moran, Morrison, Mrazek, Murtha, Myers, Natcher, Neal (MA), Nowak, Oaker, Oberstar, Obey, Olin, Olver, Ortiz, Orton, Owens (NY), Owens (UT), Pallone, Panetta, Pastor, Payne (NJ), Payne (VA), Pease, Pelosi, Perkins, Peterson (MN), Pickett, Porter, Poshard, Price, Rahall, Rangel, Ravenel, Reed, Regula, Rhodes, Richardson, Ridge, Riggs, Roe, Ros-Lehtinen, Rose, Rostenkowski, Roth, Roybal, Russo, Sabo, Sanders, Sangmeister, Savage, Sawyer, Scheuer, Schuff, Schroeder, Schulze, Schumer, Serrano, Sharp, Shaw, Sikorski, Skaggs, Skeeen, Skelton, Slattery, Slaughter, Smith (FL), Smith (IA), Smith (OR), Snowe, Solarz, Spratt, Staggers, Stallings, Stokes, Studds, Swift, Synar, Tauzin, Thomas (WY), Thornton, Torres, Towns, Traficant, Unsoeld, Vento, Visclosky, Volkmer, Vucanovich, Washington, Waters, Waxman, Weber, Weiss, Wheat, Whitten, Williams, Wilson, Wise, Wolpe, Wyden, Wylie, Yates, Yatron, etc.

NOT VOTING—33

Table with 3 columns of names: Alexander, Blackwell, Carper, Chapman, Conyers, Coughlin, Cox (CA), Cunningham, Dixon, Dornan (CA), Feighan, Ford (MI), Hansen, Hobson, Hyde, Kleczka, Kolter, Kopetski, Marlenee, McCandless, Mfume, Michel, Morella, Nagle, Neal (NC), Peterson (FL), Ray, Shuster, Stark, Tallon, Thomas (GA), Traxler, Young (AK), etc.

So the amendment was not agreed to. After some further time,

88.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DICKS to the amendment submitted by Mr. JONTZ:

Amendment submitted by Mr. DICKS:

In lieu of the number named in said amendment, insert \$1,312,937,000.

Amendment submitted by Mr. JONTZ:

Page 51, line 14, strike out "\$1,320,937,000" and insert in lieu thereof "\$1,304,047,500".

It was decided in the { Yeas 212 affirmative } Nays 206

88.8

[Roll No. 302] AYES—212

Table with 3 columns of names: Alexander, Allard, Allen, Andrews (NJ), Anthony, Arney, Aspin, AuCoin, Baker, etc.

Table with 3 columns of names: Ballenger, Barnard, Barrett, Bateman, Bentley, Bereuter, Bevil, Biiley, Boehner, Bonior, Brewster, Brooks, Browder, Bunning, Burton, Bustamante, Byron, Callahan, Camp, Campbell (CO), Chandler, Chapman, Clay, Clinger, Coble, Coleman (MO), Combst, Condit, Cooper, Cox (CA), Crane, Cunningham, Dannemeyer, Darden, Davis, de la Garza, DeFazio, DeLay, Derrick, Dickinson, Dicks, Dixon, Dooley, Doolittle, Dornan (CA), Dreier, Duncan, Edwards (OK), Edwards (TX), Emerson, English, Erdreich, Espy, Fazio, Fields, Ford (TN), Frost, Gallegly, Gallo, Gekas, Gephardt, Gillmor, Gingrich, Gonzalez, Goodling, Gradison, Grandy, Hall (OH), Hall (TX), Hammerschmidt, Hancock, Harris, Hatcher, Hayes (LA), Hefley, Hefner, Herger, Hobson, Holloway, Hopkins, Houghton, Hoyer, Hubbard, Huckaby, Hunter, Inhofe, Ireland, Jefferson, Jenkins, Johnson (CT), Johnson (SD), Johnson (TX), Jones (NC), Kaptur, Kildee, Kolbe, Kyl, Lagomarsino, LaRocco, Laughlin, Lehman (CA), Lent, Lewis (CA), Lightfoot, Livingston, Long, Lowery (CA), Marlenee, Martin, McCandless, McCreary, McDade, McDermott, McEwen, McGrath, McMillan (NC), Michel, Miller (OH), Miller (WA), Mineta, Mollohan, Montgomery, Moorhead, Morrison, Murphy, Murtha, Myers, Natcher, Nichols, Oaker, Oberstar, Obey, Olin, Orton, Oxley, Packard, Parker, Pastor, Patterson, Paxon, Perkins, Peterson (MN), Pickett, Pickle, Quillen, Rahall, Regula, Rhodes, Riggs, Ritter, Roberts, Roe, Roemer, Rogers, Rose, Roth, Rowland, Roybal, Sabo, Santorum, Sarpalious, Savage, Schaefer, Schiff, Schulze, Shuster, Sisisky, Skelton, Smith (IA), Smith (OR), Smith (TX), Snowe, Spratt, Staggers, Stallings, Stearns, Stenholm, Stump, Sundquist, Swift, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (WY), Traficant, Unsoeld, Vander Jagt, Visclosky, Volkmer, Vucanovich, Walker, Weber, Whitten, Williams, Wilson, Wyden, Young (AK), etc.

NOES—206

Table with 3 columns of names: Abercrombie, Ackerman, Anderson, Andrews (ME), Andrews (TX), Annunzio, Applegate, Atkins, Bacchus, Barton, Beilenson, Bennett, Berman, Bilbray, Bilirakis, Blackwell, Boehlert, Borski, Boucher, Boxer, Broomfield, Brown, Bruce, Bryant, Campbell (CA), Cardin, Carr, Clement, Coleman (TX), Collins (IL), Collins (MI), Conyers, Costello, Cox (IL), Coyne, Cramer, DeLauro, Dellums, Dingell, Donnelly, Dorgan (ND), Downey, Durbin, Dwyer, Dymally, Early, Eckart, Edwards (CA), Engel, Evans, Ewing, Fascell, Fawell, Fish, Flake, Foglietta, Frank (MA), Franks (CT), Gaydos, Gejdenson, Geren, Gibbons, Gilchrist, Gilman, Glickman, Gordon, Goss, Green, Guarini, Gunderson, Hamilton, Hastert, Hayes (IL), Henry, Hertel, Hoagland, Hochbrueckner, Horn, Horton, Hughes, Hutto, Jacobs, James, Johnston, Jones (GA), Jontz, Kanjorski, Kasich, Kennedy, Kennelly, etc.

Klug
Kotler
Kostmayer
LaFalce
Lancaster
Lantos
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mink
Moakley
Molinari
Moody
Moran
Mrazek
Neal (MA)

NOT VOTING—16

Archer	Hyde	Ray
Carper	Klecza	Tallon
Coughlin	Kopetski	Thomas (GA)
Feighan	Morella	Traxler
Ford (MI)	Nagle	
Hansen	Peterson (FL)	

So the amendment to the amendment was agreed to.

After some further time,

88.9 RECORDED VOTE

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

On page 63, line 21, strike "\$412,597,000" and insert in lieu thereof "\$386,892,000".

It was decided in the	Yea	158
negative			

88.10 [Roll No. 303] AYES—158

Allard	Dooley	Jefferson
Archer	Doolittle	Johnson (SD)
Armey	Dornan (CA)	Johnson (TX)
Aspin	Dreier	Johnston
Baker	Duncan	Klug
Ballenger	Ewing	Kolbe
Barrett	Fawell	Kyl
Barton	Fields	Leach
Beilenson	Frank (MA)	Levin (MI)
Bennett	Franks (CT)	Lewis (FL)
Bereuter	Gekas	Machtley
Berman	Gilchrest	Markey
Bilirakis	Gingrich	Matsui
Bliley	Glickman	McCandless
Boehlert	Goodling	McCrery
Boehner	Goss	McDermott
Broomfield	Grandy	Meyers
Burton	Gunderson	Miller (CA)
Camp	Hammerschmidt	Mink
Carper	Hancock	Molinari
Chandler	Hefley	Moody
Clinger	Henry	Moorhead
Coble	Herger	Morella
Combest	Hoagland	Morrison
Condit	Holloway	Neal (NC)
Conyers	Houghton	Nichols
Cooper	Hunter	Nussle
Cox (CA)	Hutto	Oxley
Crane	Inhofe	Packard
Cunningham	Ireland	Pallone
Dannemeyer	Jacobs	Panetta
Dellums	James	Parker

Pastor
Patterson
Paxon
Payne (NJ)
Penny
Petri
Porter
Ramstad
Ravenel
Rhodes
Richardson
Richard
Riggs
Ritter
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Saxton
Schaefer

NOES—262

Abercrombie	Fazio
Ackerman	Fish
Alexander	Flake
Allen	Foglietta
Anderson	Ford (MI)
Andrews (ME)	Ford (TN)
Andrews (NJ)	Frost
Andrews (TX)	Galleghy
Annunzio	Gallo
Anthony	Gaydos
Applegate	Gejdenson
Atkins	Gephardt
AuCoin	Geren
Bacchus	Gibbons
Barnard	Gillmor
Bateman	Gilman
Bentley	Gonzalez
Bevill	Gordon
Bilbray	Gradison
Blackwell	Green
Bonior	Guarini
Borski	Hall (OH)
Boucher	Hall (TX)
Boxer	Hamilton
Brewster	Harris
Brooks	Hastert
Browder	Hayes (IL)
Brown	Hayes (LA)
Bruce	Hefner
Bryant	Hertel
Bunning	Hobson
Bustamante	Hochbrueckner
Byron	Hopkins
Callahan	Horn
Campbell (CA)	Horton
Campbell (CO)	Hoyer
Cardin	Hubbard
Carr	Huckaby
Chapman	Hughes
Clay	Jenkins
Clement	Johnson (CT)
Coleman (MO)	Jones (GA)
Coleman (TX)	Jones (NC)
Collins (IL)	Jontz
Collins (MI)	Kanjorski
Costello	Kaptur
Cox (IL)	Kasich
Coyne	Kennedy
Cramer	Kennelly
Darden	Kildee
Davis	Klecza
de la Garza	Kolter
DeLauro	Kostmayer
DeLay	LaFalce
Derrick	Lagomarsino
Dickinson	Lancaster
Dicks	Lantos
Dingell	LaRocco
Dixon	Laughlin
Donnelly	Lehman (CA)
Dorgan (ND)	Lehman (FL)
Downey	Lent
Durbin	Levine (CA)
Dwyer	Lewis (CA)
Early	Lewis (GA)
Eckart	Lightfoot
Edwards (CA)	Lipinski
Edwards (OK)	Livingston
Edwards (TX)	Lloyd
Emerson	Long
Engel	Lowery (CA)
English	Lowey (NY)
Erdreich	Luken
Espy	Manton
Evans	Marlenee
Fascell	Martin
	Martinez

Scheuer
Schiff
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Smith (NJ)
Smith (OR)
Snow
Solarz
Solomon
Spence
Stearns
Stenholm
Studds
Stump
Swett

Synar
Taylor (NC)
Thomas (CA)
Towns
Upton
Vander Jagt
Vento
Walker
Walsh
Waters
Waxman
Weiss
Weldon
Wolf
Wolpe
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Coughlin	Hyde	Tallon
Dymally	Kopetski	Thomas (GA)
Feighan	Miller (WA)	Traxler
Hansen	Peterson (FL)	Washington
Hatcher	Ray	

So the amendment was not agreed to. After some further time,

88.11 RECORDED VOTE

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

Page 85, strike lines 3 through 26 and insert the following:

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$145,839,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$30,116,000, to remain available until September 30, 1994, to the National Endowment for the Arts, of which \$13,300,000 shall be available for purposes of section 5(l): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devices of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

It was decided in the	Yea	251
affirmative			

88.12 [Roll No. 304] AYES—251

Allard	Bunning	Dooley
Allen	Burton	Doolittle
Andrews (TX)	Byron	Dorgan (ND)
Applegate	Callahan	Dorgan (CA)
Archer	Camp	Dreier
Armey	Campbell (CA)	Duncan
Aspin	Carper	Eckart
Bacchus	Chandler	Edwards (OK)
Baker	Chapman	Edwards (TX)
Ballenger	Clement	Emerson
Barnard	Clinger	English
Barrett	Coble	Erdreich
Barton	Coleman (MO)	Ewing
Bateman	Combest	Fawell
Bennett	Condit	Fields
Bentley	Cooper	Fish
Bereuter	Costello	Franks (CT)
Bevill	Cox (CA)	Frost
Bilbray	Cramer	Galleghy
Bilirakis	Crane	Gallo
Bliley	Cunningham	Gekas
Boehner	Dannemeyer	Geren
Borski	Darden	Gibbons
Brewster	Davis	Gilchrest
Broomfield	DeLay	Gillmor
Bruce	Derrick	Gingrich
	Dickinson	Glickman

Goodling
Gordon
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hopkins
Horn
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (TX)
Johnston
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Luken
Manton
Marlenee
Martin
Martinez
McCandless

McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Neal (NC)
Nichols
Nussle
Ortiz
Orton
Owens (UT)
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland

Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Taubin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

Payne (NJ)
Pease
Pelosi
Perkins
Peterson (MN)
Pickle
Rahall
Rangel
Richardson
Roe
Rose
Roybal
Russo
Sabo
Sanders
Sangmeister

Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Skaggs
Slaughter
Smith (FL)
Smith (IA)
Solarz
Stark
Stokes
Studds
Swift

Synar
Torres
Towns
Traficant
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

Shaw
Shays
Shuster
Sikorski
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm

Stump
Sundquist
Swett
Tanner
Taubin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt

Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—218

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Annunzio
Applegate
Atkins
AuCoin
Beilenson
Berman
Bevill
Bilbray
Blackwell
Borior
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon

NOT VOTING—19

Andrews (ME)
Anthony
Coughlin
Feighan
Frost
Hansen
Hatcher
Hyde
Ireland
Kolter
Kopetski
Lowery (CA)
Peterson (FL)
Ray
Savage
Tallon
Thomas (GA)
Towns
Traxler

NOT VOTING—12

Annunzio
Coughlin
Feighan
Hansen
Hatcher
Hyde
Kopetski
Peterson (FL)
Ray
Tallon
Thomas (GA)
Traxler

So the amendment was agreed to.
After some further time,

88.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, as modified, submitted by Mr. BURTON:

Page 97, after line 3, insert the following new section:

SEC. 319. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.00 percent.

It was decided in the negative { Yeas 197
Nays 218

88.14 [Roll No. 305]
AYES—197

Allard
Allen
Andrews (TX)
Archer
Army
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bilely
Boehlert
Boehner
Brewster
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clement
Coble
Coleman (MO)
Combest
Condit
Cooper
Cox (CA)
Crane
Cunningham
Dannemeyer
Jontz
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Ford (TN)
Franks (CT)
Gallegly
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
James
Jenkins
Johnson (TX)
Jontz
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lloyd
Lipinski
Lloyd
Long
Luken
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moody
Moorhead
Myers
Neal (NC)
Nichols
Nussle
Orton
Oxley
Packard
Patterson
Paxon
Payne (VA)
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Russo
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Sharp

NOES—171

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Anthony
Atkins
AuCoin
Beilenson
Berman
Blackwell
Boehlert
Bonior
Boucher
Boxer
Brooks
Brown
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Hertel
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Engel
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowery (CA)
Lowey (NY)
Machtley
Mavroules
Mazzoli
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Pallone
Panetta
Pastor
LaFalce
Lantos
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowery (CA)
Lowey (NY)
Machtley
Mavroules
Mazzoli
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Pallone
Panetta
Pastor

After some further time, The SPEAKER pro tempore, Mr. GEPHARDT, assumed the Chair.

When Mr. GLICKMAN, Chairman, reported that the Committee, having had under consideration said bill, had directed him to report the same back to the House with sundry amendments adopted by the Committee with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

By unanimous consent, the previous question was ordered on the bill and amendments.

Pursuant to House Resolution 517, the following amendments printed in part 1 and part 2 of House Report 102-683 were considered as adopted.

SEC. 319. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1993 receipts derived from the Oregon and California grant lands shall not be less than 85 percent of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: Provided, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1993.

Page 2, line 11, insert " , subject to authorization," before "and".

Page 4, line 9, insert "subject to authorization," before "to remain".

Page 4, line 23, insert "subject to authorization," before "to remain".

Page 5, line 7, insert "subject to authorization," before "to remain".

Page 6, line 1, insert "subject to authorization," before "to remain".

Page 7, line 19, insert "subject to authorization," before "to remain".

Page 8, line 7, insert "subject to authorization," before "to be".

Page 9, line 8, insert "subject to authorization," before "to remain".

Page 17, line 20, insert " , subject to authorization," before "without".

Page 18, line 17, insert " , subject to authorization," before the period.

Page 19, line 11, insert "subject to authorization," before "to remain".

The following additional amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

On page 19, line 21, after Illinois, insert the following: " : Provided further, That of the amounts provided under this heading, \$2 million shall be available for the design of and to initiate construction of a pedestrian walkway and interpretative Park (A Walk on the Mountain) in cooperation with the city of Tacoma, Washington".

Page 22, line 7, strike the colon and all that follows through "island" on line 10.

Page 42, line 25, strike "\$63,857,000" and insert "\$63,633,000".

Page 51, line 14, strike out "\$1,320,937,000" and insert in lieu thereof "\$1,304,047,500".

On page 62, line 23, strike all beginning with "The" through "endangered" on line 2, page 63, and insert the following: "The Forest Service may offer for sale salvageable timber in Region 6 in fiscal year 1993: Provided, That for forests known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such

sale will not render the area unsuitable as habitat for the Northern spotted owl.".

Page 85, strike lines 3 through 26 and insert the following:

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$145,839,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$30,116,000, to remain available until September 30, 1994, to the National Endowment for the Arts, of which \$13,300,000 shall be available for purposes of section 5(l): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devices of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

Page 92, beginning on line 1, strike "and the Mason Neck National Wildlife Refuge".

Page 97, after line 3, insert the following new section:

SEC. 319. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

- DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES
Expenses, \$9,754,000.
NATIONAL PARK SERVICE
OPERATION OF THE NATIONAL PARK SYSTEM
Expenses, \$12,372,000.
CONSTRUCTION
Expenses, \$2,424,422.
UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH
Expenses, \$4,646,000.
BUREAU OF MINES
MINES AND MINERALS
Expenses, \$2,661,000.
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
REGULATION AND TECHNOLOGY
Expenses, \$808,000.
BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS
Expenses, \$12,583,000.
CONSTRUCTION
Expenses, \$579,000.
RELATED AGENCIES
Department of Energy
FOSSIL ENERGY RESEARCH AND DEVELOPMENT
Expenses, \$690,000.
STRATEGIC PETROLEUM RESERVE
Expenses, \$805,000.
Other related agencies
NATIONAL GALLERY OF ART
Salaries and expenses, \$694,000.
Page 97, after line 3, insert the following new section:
SEC. 319. None of the funds made available in this Act may be used to record or process

any claimed rights-of-way under section 2477 of the Revised Statutes (43 U.S.C. 932).

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated or transferred pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a10c, popularly known as the "Buy American Act").

(b) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

(1) IN GENERAL.—In the case of any equipment or product that may be authorized to be purchased with financed assistance provided under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. BURTON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 329 Nays 94

Table with 3 columns: Roll No. 306, AYES-329, and a list of names including Abercrombie, Callahan, Eckart, Ackerman, Campbell (CO), Edwards (CA), Alexander, Cardin, Edwards (TX), Allard, Carper, Emerson, Anderson, Carr, Engel, Andrews (ME), Chandler, English, Andrews (NJ), Chapman, Erdreich, Andrews (TX), Clay, Espy, Annunzio, Clement, Evans, Anthony, Clinger, Fascell, Applegate, Coleman (MO), Fazio, Aspin, Coleman (TX), Fish, Atkins, Collins (IL), Flake, AuCoin, Collins (MI), Foglietta, Bacchus, Conyers, Ford (MI), Barnard, Cooper, Ford (TN), Bateman, Costello, Frank (MA), Beilenson, Cox (IL), Frost, Bennett, Coyne, Gallegly, Bentley, Cramer, Gallo, Bereuter, Darden, Gaydos, Berman, Davis, Gejdenson, Bevill, de la Garza, Gephardt, Bilbray, DeFazio, Geren, Blackwell, DeLauro, Gibbons, Bliley, Dellums, Gilchrist, Boehlert, Derrick, Gillmor, Bonior, Dickinson, Gilman, Borski, Dicks, Gingrich, Boucher, Dingell, Glickman, Boxer, Dixon, Gonzalez, Brewster, Donnelly, Goodling, Brooks, Dooley, Gordon, Browder, Dorgan (ND), Gradison, Brown, Downey, Green, Bruce, Durbin, Guarini, Bryant, Dwyer, Gunderson, Bustamante, Dymally, Hall (OH), Byron, Early, Hamilton

Hammerschmidt	McHugh	Roukema
Harris	McMillan (NC)	Rowland
Hatcher	McMillen (MD)	Roybal
Hayes (IL)	McNulty	Russo
Hayes (LA)	Meyers	Sabo
Hefner	Mfume	Sanders
Hertel	Michel	Sangmeister
Hoagland	Miller (CA)	Savage
Hobson	Mineta	Sawyer
Hochbrueckner	Mink	Scheuer
Hopkins	Moakley	Schiff
Horn	Molinari	Schroeder
Horton	Mollohan	Schulze
Houghton	Montgomery	Schumer
Hoyer	Moody	Serrano
Huckaby	Moran	Sharp
Hughes	Morella	Shaw
Jefferson	Morrison	Shays
Jenkins	Mrazek	Shuster
Johnson (CT)	Murphy	Sikorski
Johnson (SD)	Murtha	Sisisky
Johnston	Nagle	Skaggs
Jones (GA)	Natcher	Skeen
Jones (NC)	Neal (MA)	Slattery
Jontz	Neal (NC)	Slaughter
Kanjorski	Nowak	Smith (FL)
Kaptur	Oakar	Smith (IA)
Kasich	Oberstar	Smith (NJ)
Kennedy	Obey	Smith (TX)
Kennelly	Olin	Snowe
Kildee	Olver	Solarz
Klecza	Ortiz	Spence
Kolbe	Owens (NY)	Spratt
Kolter	Owens (UT)	Staggers
Kopetski	Oxley	Stallings
Kostmayer	Pallone	Stark
LaFalce	Panetta	Stokes
Lagomarsino	Parker	Studds
Lancaster	Pastor	Sweet
Lantos	Paxon	Swift
LaRocco	Payne (NJ)	Synar
Laughlin	Payne (VA)	Tanner
Lehman (CA)	Pease	Taylor (NC)
Lehman (FL)	Pelosi	Thornton
Lent	Penny	Torres
Levin (MI)	Perkins	Torricelli
Levine (CA)	Peterson (MN)	Trafficant
Lewis (CA)	Pickett	Unsoeld
Lewis (GA)	Pickle	Valentine
Lightfoot	Porter	Vander Jagt
Lipinski	Poshard	Vento
Livingston	Price	Visclosky
Lloyd	Quillen	Volkmer
Long	Rahall	Walsh
Lowery (CA)	Rangel	Washington
Lowey (NY)	Ravenel	Waters
Luken	Reed	Waxman
Machtley	Regula	Weber
Manton	Rhodes	Weiss
Markey	Richardson	Weldon
Martin	Ridge	Wheat
Matsui	Riggs	Whitten
Mavroules	Rinaldo	Williams
Mazzoli	Ritter	Wilson
McCandless	Roe	Wolf
McCloskey	Roemer	Wolpe
McCrery	Rogers	Wyden
McCurdy	Ros-Lehtinen	Yates
McDade	Rose	Yatron
McDermott	Rostenkowski	Young (FL)
McGrath	Roth	

NOES—94

Allen	Ewing	McCollum
Archer	Fawell	McEwen
Armey	Fields	Miller (OH)
Baker	Franks (CT)	Miller (WA)
Ballenger	Gekas	Moorhead
Barrett	Goss	Myers
Barton	Grandy	Nichols
Bilirakis	Hall (TX)	Nussle
Boehner	Hancock	Orton
Broomfield	Hastert	Packard
Bunning	Hefley	Patterson
Burton	Henry	Petri
Camp	Herger	Pursell
Campbell (CA)	Holloway	Ramstad
Coble	Hubbard	Roberts
Combest	Hunter	Rohrabacher
Condit	Hutto	Santorum
Cox (CA)	Inhofe	Sarpalius
Crane	Ireland	Saxton
Cunningham	Jacobs	Schaefer
Dannemeyer	James	Sensenbrenner
DeLay	Johnson (TX)	Skelton
Doolittle	Klug	Smith (OR)
Dornan (CA)	Kyl	Solomon
Dreier	Leach	Stearns
Duncan	Lewis (FL)	Stenholm
Edwards (OK)	Marlenee	Stump

Sundquist	Upton	Young (AK)
Tauzin	Vucanovich	Zeliff
Taylor (MS)	Walker	Zimmer
Thomas (CA)	Wise	
Thomas (WY)	Wylie	

NOT VOTING—11

Coughlin	Martinez	Thomas (GA)
Feighan	Peterson (FL)	Towns
Hansen	Ray	Traxler
Hyde	Tallon	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

88.16 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MURTHA, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

88.17 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3007. An Act to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center.

88.18 PRIVILEGES OF THE HOUSE

Mr. OLVER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 525):

Whereas on July 22, 1992 the Republican Members and staff of the Committee on House Administration and the Committee's Task Force to Investigate the Operation and Management of the Office of the Postmaster disseminated to the media and the public a document which although entitled "Report of the Committee on House Administration Task Force to Investigate the Operation and Management of the Office of the Postmaster" was in fact not the report of the Task Force but rather a report of the Republican Members of the Task Force; and,

Whereas at page 52 of that document the Republican Members of the Task Force indicate that a post office box was retained at the Brentwood Post Office on behalf of Representative John Olver and that the retention of such a post office box might raise certain concerns; and,

Whereas in fact the post office box referred to in the Report of the Republican Members of the Task Force was retained not by or on behalf of Representative Olver, a Member of the Democratic Party but instead on behalf of Representative Olver's predecessor, a Member of the Republican Party; and,

Whereas the inclusion of this false, incorrect, and improper reference to Representative Olver, and the widespread dissemination of the false, incorrect and improper information has caused unwarranted injury to the reputation and good name of Representative Olver, it is therefore,

Resolved, That the Committee on House Administration is hereby directed to issue a formal apology to Representative Olver and such apology shall be personally signed by all Members of the Task Force, and it is further,

Resolved, That any and all printing, distribution or other dissemination of the Republican Members Report shall cease and desist until such time as the text of the Repub-

lican Members Report is corrected to accurately reflect that Representative Olver did not have a post office box retained on his behalf, and it is further,

Resolved, That the Chairman of the Committee on House Administration is hereby directed to determine the cause of the incorrect attribution of a post office box retained on behalf of a Member of the Republican Party to a Member of the Democratic Party in the Report of the Republican Members of the Task Force, who was responsible for the publication and dissemination of this false information and whether further inquiry is warranted to determine whether the publication and dissemination of this falsehood constitute the violation of any Rule of the House or applicable legal standard.

The SPEAKER pro tempore, Mr. GEPHARDT, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

After debate, Mr. OLVER, withdrew said resolution.

88.19 PRIVILEGES OF THE HOUSE

Mr. WALKER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 526):

Whereas on July 22, 1992, the House of Representatives voted to transmit to the Committee on Standards of Official Conduct the Committee Report and all records obtained by the Task Force to Investigate the Operation and Management of the House Post Office;

Whereas the Majority has selectively included portions of the transcript of the proceedings of the Task Force in the Appendix to their Report; and

Whereas matters have been raised which impugn the integrity of the proceedings of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on House Administration is directed to make public complete transcripts of all proceedings of the Task Force, including depositions and statements of witnesses.

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

After debate, Mr. KLECZKA moved to lay the resolution on the table.

The question being put, viva voce, Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. DERRICK, announced that the yeas had it.

On a division demanded by Mr. WALKER, there appeared, yeas—18, nays—17.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 223
Nays 196

88.20 [Roll No. 307] YEAS—223

Abercrombie	Andrews (NJ)	Applegate
Ackerman	Andrews (TX)	Aspin
Alexander	Anunzio	Atkins
Anderson	Anthony	AuCoin

Barnard	Hefner	Pastor
Beilenson	Hertel	Patterson
Bennett	Hoagland	Payne (NJ)
Berman	Hochbrueckner	Payne (VA)
Bevill	Horn	Pease
Bilbray	Hoyer	Pelosi
Blackwell	Hutto	Perkins
Bonior	Jefferson	Peterson (MN)
Borski	Jenkins	Pickett
Boucher	Johnson (SD)	Pickle
Boxer	Johnston	Price
Brewster	Jones (GA)	Rangel
Brooks	Jones (NC)	Reed
Browder	Jontz	Richardson
Brown	Kanjorski	Roe
Bryant	Kaptur	Rose
Bustamante	Kennedy	Rostenkowski
Byron	Kennelly	Rowland
Campbell (CO)	Kildee	Roybal
Cardin	Kleccka	Russo
Carr	Kopetski	Sabo
Chapman	Kostmayer	Sanders
Clay	LaFalce	Sangmeister
Clement	Lantos	Sarpalius
Coleman (TX)	LaRocco	Savage
Collins (IL)	Lehman (CA)	Sawyer
Collins (MI)	Lehman (FL)	Scheuer
Condit	Levin (MI)	Schroeder
Conyers	Levine (CA)	Schumer
Cooper	Lewis (GA)	Serrano
Cox (IL)	Lipinski	Sharp
Coyne	Lloyd	Sikorski
Cramer	Long	Sisisky
Darden	Lowey (NY)	Skaggs
de la Garza	Luken	Skelton
DeFazio	Manton	Slaughter
DeLauro	Markey	Smith (FL)
Dellums	Martinez	Smith (IA)
Derrick	Matsui	Spratt
Dicks	Mavroules	Stallings
Dingell	McCloskey	Stark
Dixon	McCurdy	Stenholm
Donnelly	McDermott	Stokes
Dooley	McHugh	Studds
Downey	McNulty	Swift
Durbin	Mfume	Synar
Dwyer	Miller (CA)	Tanner
Early	Mineta	Tauzin
Eckart	Mink	Thornton
Edwards (CA)	Moakley	Torres
Edwards (TX)	Mollohan	Torricelli
Engel	Montgomery	Towns
Espy	Moran	Trafficant
Fascell	Mrazek	Unsoeld
Fazio	Murtha	Vento
Flake	Nagle	Visclosky
Foglietta	Natcher	Volkmer
Ford (MI)	Neal (MA)	Washington
Ford (MA)	Neal (NC)	Waters
Frost	Nowak	Waxman
Gaydos	Oakar	Weiss
Gejdenson	Oberstar	Wheat
Gephardt	Obey	Whitten
Geren	Olin	Wilson
Gonzalez	Olver	Wise
Gordon	Ortiz	Wolpe
Guarini	Orton	Wyden
Hall (OH)	Owens (NY)	Yates
Harris	Owens (UT)	Yatron
Hayes (IL)	Panetta	
Hayes (LA)	Parker	

NAYS—196

Allard	Coble	Gallegly
Allen	Coleman (MO)	Gallo
Andrews (ME)	Combest	Gekas
Archer	Costello	Gibbons
Armey	Cox (CA)	Gilchrest
Bacchus	Crane	Gillmor
Baker	Cunningham	Gilman
Ballenger	Dannemeyer	Gingrich
Barrett	Davis	Glickman
Barton	DeLay	Goss
Bateman	Dickinson	Gradison
Bentley	Doolittle	Grandy
Bereuter	Dorgan (ND)	Green
Bilirakis	Dornan (CA)	Gunderson
Bliley	Dreier	Hall (TX)
Boehlert	Duncan	Hamilton
Boehner	Edwards (OK)	Hammerschmidt
Broomfield	Emerson	Hancock
Broce	English	Hastert
Bunning	Erdreich	Hefley
Burton	Evans	Henry
Callahan	Ewing	Herger
Camp	Fawell	Hobson
Campbell (CA)	Fields	Holloway
Carper	Fish	Hopkins
Chandler	Ford (TN)	Horton
Clinger	Franks (CT)	Houghton

Hubbard	Molinari	Schulze
Huckaby	Moody	Sensenbrenner
Hughes	Moorhead	Shaw
Hunter	Morella	Shays
Inhofe	Morrison	Shuster
Ireland	Murphy	Skeen
Jacobs	Myers	Slattery
James	Nichols	Smith (NJ)
Johnson (CT)	Nussle	Smith (OR)
Johnson (TX)	Oxley	Smith (TX)
Kasich	Packard	Snowe
Klug	Pallone	Solomon
Kolbe	Paxon	Spence
Kyl	Penny	Staggers
Lagomarsino	Petri	Stearns
Lancaster	Porter	Stump
Leach	Poshard	Sundquist
Lent	Pursell	Swett
Lewis (CA)	Quillen	Taylor (MS)
Lewis (FL)	Rahall	Taylor (NC)
Lightfoot	Ramstad	Thomas (CA)
Livingston	Ravenel	Thomas (WY)
Lowery (CA)	Regula	Upton
Machtley	Rhodes	Valentine
Marleene	Ridge	Vander Jagt
Martin	Riggs	Vucanovich
Mazzoli	Rinaldo	Walker
McCandless	Ritter	Walsh
McCollum	Roberts	Weber
McCreary	Roemer	Weldon
McDade	Rogers	Williams
McEwen	Rohrabacher	Wolf
McGrath	Ros-Lehtinen	Wylie
McMillan (NC)	Roth	Young (AK)
McMillen (MD)	Roukema	Young (FL)
Meyers	Santorum	Zeliff
Michel	Saxton	Zimmer
Miller (OH)	Schaefer	
Miller (WA)	Schiff	

NOT VOTING—15

Coughlin	Hatcher	Ray
Dymally	Hyde	Solarz
Feighan	Kolter	Tallon
Goodling	Laughlin	Thomas (GA)
Hansen	Peterson (FL)	Traxler

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶88.21 PROVIDING FOR THE CONSIDERATION OF H.R. 4850

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 523):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the 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, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except those made in order by section 2 of this resolution or the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the pe-

riod specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. All points of order against the amendments printed in the report are hereby waived.

SEC. 2. It shall be in order at any time for the chairman of the Committee on Energy and Commerce, or his designee, to offer amendments en bloc, consisting of amendments and modifications in the text of any amendment which are germane thereto, printed in the report of the Committee on Rules. Said amendments en bloc shall be considered as having been read, shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. Such amendments en bloc shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The original proponents of the amendments offered en bloc shall have permission to insert statements in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 3. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 4. After passage of H.R. 4850, it shall be in order to move to take from the Speaker's table the bill S. 12 and ask for its immediate consideration in the House. It shall then be in order to move to strike out all after the enacting clause of S. 12 and insert in lieu thereof the provisions of H.R. 4850 as passed by the House. It shall then be in order to move to insist on the House amendment to S. 12 and request a conference with the Senate thereon.

When said resolution was considered.

After debate,

On motion of Mr. MOAKLEY, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶88.22 CABLE TELEVISION

The SPEAKER pro tempore, Mr. TORRES, 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 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.

The SPEAKER pro tempore, Mr. TORRES, by unanimous consent, designated Mr. MFUME as Chairman of the Committee of the Whole; and after some time spent therein,

88.23 RECORDED VOTE

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

Page 9, beginning on line 1, strike all of section 3 through line 18 on page 28 and insert the following:

SEC. 3. RATE REGULATION.

(a) AMENDMENT.—Section 623 of the Communications Act of 1934 is amended to read as follows:

REGULATION OF RATES

SEC. 623. (a) COMPETITION PREFERENCE; STATE COMMISSION REGULATION.—

(1) IN GENERAL.—No Federal agency or franchising authority may regulate the rates for the provision of cable service except to the extent provided under this section and section 612. Any State commission (as such term is defined in section 3(t) of this Act) may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

(2) PREFERENCE FOR COMPETITION.—If the Commission finds that a cable system is subject to effective competition, the rates for the provision of cable service by such system shall not be subject to regulation by the Commission or by a State commission under this section. If the Commission finds that a cable system is not subject to effective competition, the rates for the provision of cable service by such system shall be subject to regulation by a State commission pursuant to a law of such State.

(b) DISCRIMINATION; SERVICES FOR THE HEARING IMPAIRED.—Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority from—

(1) prohibiting discrimination among subscribers or potential subscribers with regard to the services offered or the rates charged for such services, or

(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

(c) NEGATIVE OPTION BILLING PROHIBITED.—A cable operator shall not charge a subscriber for any individually-priced channel of video programming or for any pay-per-view video programming that the subscriber has not affirmatively requested. For purposes of this subsection, a subscriber's failure to refuse a cable operator's proposal to provide such channel or programming shall not be deemed to be an affirmative request for such programming.

(d) REPORTS ON AVERAGE PRICES.—The Commission shall publish quarterly statistical reports on the average rates for basic service and other cable programming, and for converter boxes, remote control units, and other equipment, of—

(1) cable systems that the Commission has found are subject to effective competition under subsection (a)(2), compared with

(2) cable systems that the Commission has found are not subject to such effective competition.

(e) DEFINITION.—As used in this section, the term 'effective competition' means that—

(1) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system;

(2) the franchise area is—

(A) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and

(B) the number of households subscribing to programming services offered by multi-

channel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or

(3) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area."

It was decided in the } Yeas 83
negative } Nays 327

88.24 [Roll No. 308]
AYES—83

- Allan Fawell
Anderson Fields
Archer Franks (CT)
Armedy Gallegly
Baker Gallo
Barnard Gillmor
Barrett Green
Barton Gunderson
Bentley Hastert
Bibley Hergert
Boehner Hobson
Broomfield Horton
Burton Houghton
Campbell (CA) Hunter
Chandler Inhofe
Clinger Johnson (CT)
Coble Klug
Cox (CA) Kolbe
Crane Kyl
Dannemeyer Lagomarsino
DeLay Lent
Dickinson Lewis (CA)
Doolittle Lowery (CA)
Dornan (CA) Martin
Dreier McCandless
Duncan McCrery
Emerson McEwen
Ewing McMillan (NC)

NOES—327

- Abercrombie Costello
Ackerman Cox (IL)
Alexander Coyne
Allard Cramer
Andrews (ME) Cunningham
Andrews (NJ) Darden
Andrews (TX) Davis
Annunzio de la Garza
Anthony DeFazio
Applegate DeLauro
Aspin Dellums
Atkins Derrick
AuCoin Dicks
Bacchus Dingell
Ballenger Dixon
Bateman Donnelly
Beilenson Dooley
Bennett Dorgan (ND)
Bereuter Downey
Bevill Durbin
Bilbray Dwyer
Bilirakis Early
Blackwell Eckart
Boehlert Edwards (CA)
Bonior Edwards (OK)
Borski Edwards (TX)
Boucher Engel
Boxer English
Brewster Erdreich
Brooks Espy
Browder Evans
Brown Fascell
Bruce Fazio
Bryant Fish
Bunning Flake
Bustamante Foglietta
Byron Ford (MI)
Callahan Ford (TN)
Camp Frank (MA)
Campbell (CO) Frost
Cardin Gaydos
Carper Gejdenson
Carr Gekas
Chapman Gephardt
Clay Geren
Clement Gibbons
Coleman (MO) Gilchrist
Coleman (TX) Gilman
Collins (IL) Gingrich
Collins (MI) Glickman
Combest Gonzalez
Condit Goodling
Cooper Gordon

- Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta

- Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Ritter
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Skaggs

NOT VOTING—24

- Berman
Conyers
Coughlin
Dymally
Feighan
Hansen
Hatcher
Hyde
Ireland
Kolter
Laughlin
Lehman (FL)
Levine (CA)
McDade
Olin
Peterson (FL)
Ray
Tallon
Thomas (GA)
Thomas (WY)
Washington
Weber
Wilson
Yates

So the amendment was not agreed to. After some further time,

88.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments en bloc submitted by Mr. DINGELL:

Page 17, after line 12, insert the following new subparagraph (and redesignate the succeeding subparagraph accordingly):

(E) NOTICE.—The procedures prescribed by the Commission pursuant to subparagraph (D)(i) shall require a cable operator to provide 30 days advance notice to a franchising authority of any increase of more than 5 percent proposed in the price to be charged for the basic service tier.

Page 26, strike out lines 14 through 22, and insert the following:

(j) RATE REGULATION AGREEMENTS.—During the term of an agreement made before July 1, 1990, by a franchising authority and a cable operator providing for the regulation of basic cable service rates, where there was not effective competition under Commission rules in effect on that date, nothing in this section (or the regulations thereunder) shall abridge the ability of such franchising au-

thority to regulate rates in accordance with such an agreement.

Page 34, line 9, strike "title 46" and insert "title 47".

Page 79, line 22, strike "(17)" and insert "(47)".

Page 94, line 19, strike "(a)".

Page 36, line 9, after "1985," insert the following: "or on the channel on which it was carried on January 1, 1992."

Page 41, line 2, after the period insert the following: "Such implementing regulations shall include necessary revisions to update section 76.51 of the Commission's regulations (47 C.F.R. 76.51)."

Page 82, after line 6, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 15. LIMITATION ON FRANCHISING AUTHORITY LIABILITY.

(a) AMENDMENT.—Part IV of title VI of the Communications Act of 1934 is amended by inserting after section 635 (47 U.S.C. 555) the following new section:

SEC. 635A. LIMITATION OF FRANCHISING AUTHORITY LIABILITY.

(a) SUITS FOR DAMAGES PROHIBITED.—In any court proceeding pending on or initiated after the date of enactment of this section involving any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of a franchise, any relief, to the extent such relief is required by any other provision of Federal, State, or local law, shall be limited to injunctive relief and declaratory relief.

(b) EXCEPTION FOR COMPLETED CASES.—The limitation contained in subsection (a) shall not apply to actions that, prior to such violation, have been determined by a final order of a court of binding jurisdiction, no longer subject to appeal, to be in violation of a cable operator's rights.

(c) DISCRIMINATION CLAIMS PERMITTED.—Nothing in this section shall be construed as limiting the relief authorized with respect to any claim against a franchising authority, or other governmental entity, or any official, member, employee, or agent of such authority or entity, to the extent such claim involves discrimination on the basis of race, color, sex, age, religion, national origin, or handicap.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as creating or authorizing liability of any kind, under any law, for any action or failure to act relating to cable service or the granting of a franchise by any franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity."

(b) CONFORMING AMENDMENT.—Section 635(b) of the Communications Act of 1934 (47 U.S.C. 555(b)) is amended by inserting "and with the provisions of section 635(a)" after "subsection (a)".

Page 93, after line 20, insert the following new paragraph:

(3) ANALYSIS OF PRECLUSIVE CONTRACTS REQUIRED.—In conducting the study required by paragraph (1), the Commission shall analyze the extent to which preclusive contracts between college athletic conferences and video programming vendors have artificially and unfairly restricted the supply of the sporting events of local colleges for broadcast on local television stations. In conducting such analysis, the Commission shall consult with the Attorney General to determine whether and to what extent such preclusive contracts are prohibited by existing statutes. The report required by paragraph (2) shall include a separate statement of the results of the anal-

ysis required by this paragraph, together with such recommendations for legislation as the Commission considers necessary and appropriate. For purposes of the paragraph, the term "preclusive contract" includes any contract that prohibits—

(A) the live broadcast by a local television station of a sporting event of a local college team that is not carried, on a live basis, by any cable system within the local community served by such local television station; or

(B) the delayed broadcast by a local television station of a sporting event of a local college team that is not carried, on a live or delayed basis, by any cable system within the local community served by such local television station.

Page 63, after line 15, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 10. NOTICE TO CABLE SUBSCRIBERS ON UNSOLICITED SEXUALLY EXPLICIT PROGRAMS.

Section 624(d) of the Communications Act of 1934 (47 U.S.C. 544(d)) is amended by adding at the end the following new paragraph:

"(3)(A) If a cable operator provides a premium channel without charge to cable subscribers who do not subscribe to such premium channel, the cable operator shall, not later than 30 days before such premium channel is provided without charge—

"(i) notify all cable subscribers that the cable operator plans to provide a premium channel without charge,

"(ii) notify all cable subscribers when the cable operator plans to offer a premium channel without charge,

"(iii) notify all cable subscribers that they have a right to request that the channel carrying the premium channel be blocked, and

"(iv) block the channel carrying the premium channel upon the request of a subscriber.

"(B) For the purpose of this section, the term 'premium channel' shall mean any pay service offered on a per channel or per program basis, which offers movies rated by the Motion Picture Association as X, NR17, or R."

It was decided in the affirmative { Yeas 403 Nays 2

88.26 [Roll No. 309] AYES—403

- Abercrombie Boxer Cox (IL)
Ackerman Brewster Coyne
Alexander Brooks Cramer
Allard Broomfield Crane
Allen Browder Cunningham
Anderson Brown Dannemeyer
Andrews (ME) Bruce Darden
Andrews (NJ) Bryant Davis
Andrews (TX) Bunning de la Garza
Annunzio Burton DeFazio
Applegate Bustamante DeLauro
Archer Byron DeLay
Armey Callahan Dellums
Aspin Camp Derrick
Atkins Campbell (CA) Dickinson
AuCoin Campbell (CO) Dicks
Bacchus Cardin Dingell
Baker Carper Dixon
Ballenger Carr Donnelly
Barnard Chandler Dooley
Barrett Chapman Doolittle
Bartton Clay Dorgan (ND)
Beilenson Clement Dornan (CA)
Bennett Clinger Downey
Bentley Coble Dreier
Berman Coleman (MO) Duncan
Bevill Coleman (TX) Durbin
Bilirakis Collins (IL) Early
Blackwell Collins (MI) Eckart
Biley Combest Edwards (CA)
Boehlert Condit Edwards (OK)
Boehner Conyers Edwards (TX)
Bonior Cooper Emerson
Borski Costello Engel
Boucher Cox (CA) English

- Erdreich Livingston
Espy Lloyd
Evans Long
Ewing Lowey (NY)
Fascell Luken
Fawell Machtley
Fazio Manton
Fields Markey
Fish Marlenee
Flake Martin
Foglietta Martinez
Ford (MI) Matsui
Ford (TN) Mavroules
Frank (MA) Mazzoli
Franks (CT) McCandless
Gallegly McCloskey
Gallo McCollum
Gaydos McCrery
Gejdenson McCurdy
Gekas McDade
Geren McDermott
Gibbons McEwen
Gilchrest McGrath
Gillmor McHugh
Gilman McMillan (NC)
Gingrich McMillen (MD)
Glickman McNulty
Gonzalez Meyers
Goodling Mfume
Gordon Michel
Goss Miller (CA)
Gradison Miller (OH)
Grandy Miller (WA)
Green Mineta
Guarini Mink
Gunderson Moakley
Hall (OH) Molinari
Hall (TX) Mollohan
Hamilton Montgomery
Hammerschmidt Moody
Hancock Moorhead
Harris Moran
Hastert Morella
Hayes (IL) Morrison
Hayes (LA) Mrazek
Hefner Murphy
Henry Murtha
Herger Myers
Hertel Nagle
Hoagland Natcher
Hobson Neal (MA)
Hochbrueckner Neal (NC)
Holloway Nichols
Hopkins Nowak
Horn Nussle
Horton Oakar
Houghton Oberstar
Hoyer Obey
Hubbard Olin
Huckaby Olver
Hughes Ortiz
Hutto Orton
Inhofe Owens (NY)
Ireland Owens (UT)
Jacobs Oxley
James Packard
Jefferson Pallone
Jenkins Panetta
Johnson (CT) Parker
Johnson (SD) Pastor
Johnson (TX) Patterson
Johnston Paxon
Jones (NC) Payne (NJ)
Jontz Jantz Payne (VA)
Kanjorski Kanjorski
Kaptur Pease
Kasich Pelosi
Kennedy Kasich
Kennelly Perkins
Kildee Peterson (MN)
Kleckza Pickett
Klug Pickle
Kolbe Porter
Kopetski Poshard
Kostmayer Price
Kyl Pursell
LaFalce Dorgan (ND)
Lagomarsino Rahall
Lancaster Ramstad
Lantos Ravenel
LaRocco Reed
Leach Regula
Lehman (CA) Rhodes
Lent Richardson
Levin (MI) Ridge
Lewis (CA) Riggs
Lewis (FL) Rinaldo
Lewis (GA) Ritter
Lightfoot Roberts
Lipinski Roe

	NOES—2	
Hefley	Hunter	
	NOT VOTING—29	
Anthony	Hansen	Rangel
Bateman	Hatcher	Ray
Bereuter	Hyde	Tallon
Bilbray	Jones (GA)	Thomas (GA)
Coughlin	Kolter	Thomas (WY)
Dwyer	Laughlin	Traxler
Dymally	Lehman (FL)	Washington
Feighan	Levine (CA)	Wilson
Frost	Lowery (CA)	Yates
Gephardt	Peterson (FL)	

So the amendments en bloc were agreed to.

After some further time,

188.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. MAN-
TON for the amendment submitted by Mr. TAUZIN:

Amendment submitted by Mr. TAU-
ZIN:

Page 65, after line 11, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 11. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.

Part III of title VI of the Communications Act of 1934 is amended by inserting after section 627 (47 U.S.C. 547) the following new section:

"SEC. 628. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.

"(a) PURPOSE.—The purpose of this section is to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming market, to increase the availability of satellite cable programming to persons in rural and other areas not currently able to receive such service, and to spur the development of communications technologies.

"(b) PROHIBITION.—It shall be unlawful for a cable operator or a satellite cable programming vendor in which a cable operator has an attributable interest in violation of any regulation prescribed under subsection (c) to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which is to hinder significantly or to prevent any multichannel video programming distributor from providing satellite cable programming to subscribers or consumers.

"(c) REGULATIONS REQUIRED.—

"(1) PROCEEDING REQUIRED.—Within 180 days after the enactment of this Act, the Commission shall, in order to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming market and continuing development of communications technologies, prescribe regulations to specify the conduct that is prohibited by subsection (b).

"(2) MINIMUM CONTENTS OF REGULATIONS.—The regulations to be promulgated under this section shall—

"(A) establish effective safeguards to prevent a cable operator which has an attributable interest in a satellite cable programming vendor from unduly or improperly influencing the decision of such vendor to sell, or the price, terms, and conditions of sale of, satellite cable programming to any unaffiliated multichannel video programming distributor;

"(B) prohibit discrimination by a satellite cable programming vendor in which a cable

operator has an attributable interest in the price, terms, and conditions in the sale or delivery of satellite cable programming among or between cable systems, cable operators, or their agents or buying groups, or other multichannel video programming distributors; except that such a satellite cable programming vendor in which a cable operator has an attributable interest shall not be prohibited from—

"(i) imposing reasonable requirements for creditworthiness, offering of service, and financial stability and standards regarding character and technical quality;

"(ii) establishing different prices, terms, and conditions to take into account actual and reasonable differences in the cost of creation, sale, delivery, or transmission of satellite cable programming;

"(iii) establishing different price, terms, and conditions which take into account reasonable volume discounts based on the number of subscribers served by the distributor; or

"(iv) entering into an exclusive contract that is permitted under subparagraph (D);

"(C) prohibit practices, understandings, arrangements, or activities, including exclusive contracts for satellite cable programming between a cable operator and a cable satellite programming vendor, which prevent a multichannel video programming distributor from obtaining such programming from any satellite cable programming vendor in which a cable operator has an attributable interest for distribution to persons in areas not served by a cable operator as of the date of enactment of this section; and

"(D) with respect to distribution to persons in areas served by a cable operator, prohibit exclusive contracts for satellite cable programming between a cable operator and a satellite cable programming vendor in which a cable operator has an attributable interest, unless the Commission determines (in accordance with paragraph (4)) that such contract is in the public interest.

"(3) GEOGRAPHIC LIMITATIONS.—Nothing in this section shall require any person who is engaged in the national or regional distribution of video programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution. Nothing in this section shall apply to the signal of any broadcast affiliate of a national television network or other television signal that is retransmitted by satellite, and shall not apply to any internal satellite communication of any broadcast network or cable network, except that satellite broadcast programming shall be subject to the requirements of this section.

"(4) PUBLIC INTEREST DETERMINATIONS ON EXCLUSIVE CONTRACTS.—In determining whether an exclusive contract is in the public interest for purposes of paragraph (2)(D), the Commission shall consider each of the following factors with respect to the effect of such contract on the distribution of video programming in areas that are served by a cable operator:

"(A) the effect of such exclusive contract on the development of competition in local and national multichannel video programming distribution markets;

"(B) the effect of such exclusive contract on competition from multichannel video programming distribution technologies other than cable;

"(C) the effect of such exclusive contract on the attraction of capital investment in the production and distribution of new satellite cable programming;

"(D) the effect of such exclusive contract on diversity of programming in the multichannel video programming distribution market; and

"(E) the duration of the exclusive contract.

"(5) SUNSET PROVISION.—The prohibition required by paragraph (2)(D) shall cease to be effective 10 years after the date of enactment of this Act.

"(d) ADJUDICATORY PROCEEDING.—Any multichannel video programming distributor aggrieved by conduct that it alleges constitutes a violation of this section, or the implementing regulations of the Commission under this section, may commence an adjudicatory proceeding at the Commission.

"(e) REMEDIES FOR VIOLATIONS.—

"(1) REMEDIES AUTHORIZED.—Upon completion of such adjudicatory proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish price, terms, and conditions of sale of programming to the aggrieved multichannel video programming distributor.

"(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

"(f) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission's regulations shall—

"(1) provide for an expedited review of any complaints made pursuant to this section;

"(2) establish procedures for the Commission to collect such data, including the right to obtain copies of all contracts and documents reflecting arrangements and understandings alleged to violate this section, as the Commission requires to carry out this section; and

"(3) provide for any penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(g) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by subsection (c), annually report to Congress on the status of competition in the market for the delivery of video programming.

"(h) EXEMPTIONS FOR PRIOR CONTRACTS.—

"(1) IN GENERAL.—Nothing in this section shall affect any contract that grants exclusive distribution rights to any person with respect to satellite cable programming and that was entered into on or before June 1, 1990, except that the provisions of subsection (c)(2)(C) shall apply for distribution to persons in areas not served by a cable operator.

"(2) LIMITATION ON RENEWALS.—A contract that was entered into on or before June 1, 1990, but that is renewed or extended after the date of enactment of this section shall not be exempt under paragraph (1) of this subsection.

"(i) APPLICABILITY OF ANTITRUST LAWS; NO ANTITRUST IMMUNITY.—Nothing in this section shall be construed to alter or restrict in any manner the applicability of any Federal or State antitrust law.

"(j) DEFINITIONS.—As used in this section:

"(1) The term 'satellite cable programming vendor' means a person engaged in the production, creation, or wholesale distribution of a satellite cable programming service for sale.

"(2) The terms 'cable system', 'multichannel video programming distributor', and 'video programming' have the meanings provided under section 602 of this Act.

"(3) The term 'satellite cable programming' has the meaning provided under section 705 of the Act.

"(4) The term 'satellite broadcast programming' means broadcast programming, other than programming of an affiliate of a national network, when such programming is retransmitted by satellite and the entity retransmitting such programming is not the broadcaster or an entity performing such retransmission on behalf of and with the specific consent of the broadcaster."

Substitute amendment submitted by Mr. MANTON:

In lieu of the matter proposed to be inserted by the amendment of the Gentleman from Louisiana insert the following:

SEC. 11. COMPETITION AND TECHNOLOGICAL DEVELOPMENT.

(a) PROHIBITION ON UNREASONABLE REFUSALS TO DEAL.—Part III of title VI of the Communications Act of 1934 is amended by inserting after section 627 (47 U.S.C. 547) the following new section:

“SEC. 628. PROGRAMMING ACCESS TO PROMOTE COMPETITION AND CONTINUING TECHNOLOGICAL DEVELOPMENT.

“(a) UNREASONABLE REFUSALS TO DEAL PROHIBITED.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, in order to promote competition and diversity in the multichannel video programming market and continuing development of communications technologies, prescribe regulations to prohibit any video programming vendor that controls, is controlled by, or is under common control with a multichannel video system operator and that engages in the regional or national distribution of video programming from refusing to deal with any multichannel video system operator with respect to the provision of video programming if such refusal would unreasonably restrain competition. Entering into or abiding by the terms of an exclusive contract that does not have the effect of unreasonably restraining competition shall not be considered an unreasonable refusal to deal. Nothing contained in this subsection shall require any person who licenses video programming for distribution to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

“(b) REMEDIES FOR VIOLATIONS.—Any multichannel video system operator aggrieved by conduct that it alleges constitutes a violation of the regulations prescribed under this section may commence an adjudicatory proceeding at the Commission. Upon completion of such proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish price, terms, and conditions of sale of programming to the aggrieved multichannel video system operator.

“(c) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission's regulations shall—

“(1) provide for an expedited review of any complaints made pursuant to this section;

“(2) establish procedures for the Commission to collect such data as the Commission requires to carry out this section with respect to exclusive contracts or other practices and their effects on competitors, competition, or the video programming distribution market or on the development of new video distribution technologies; and

“(3) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

“(d) SUNSET.—The regulations prescribed under subsection (a)(1) of this section shall cease to be effective 9 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, or on such earlier date as the Commission determines that a competitive national market for the delivery of video programming exists. Such regulations shall cease to be effective for any local market on such earlier date as the Commission determines that a competitive market for the delivery of such programming exists in such local market.

“(e) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by

subsection (a), annually report to Congress on the status of competition in the market for the delivery of video programming.

“(f) EXEMPTIONS FOR PRIOR CONTRACTS.—Nothing in this section shall affect any contract (or renewal or extension of any contract) that grants exclusive distribution rights to any person with respect to video programming and that was entered into on or before June 1, 1990.

“(g) DEFINITIONS.—

“(1) The term ‘multichannel video system operator’ includes an operator of any cable system, multichannel multipoint distribution service, direct broadcast satellite distribution service, television receive-only satellite distribution service, or other comparable system for the distribution of video programming.

“(2) The term ‘video programming vendor’—

“(A) means any person who licenses video programming for distribution by any multichannel video system operator;

“(B) includes satellite delivered video programming networks and other programming networks and services;

“(C) does not include a network or service distributing video programming intended for broadcast by a television station affiliated with a broadcasting network; and

“(D) does not include a network or service distributing video programming that is carried as a secondary transmission of a signal broadcast by a television station.

“(3) The terms ‘cable system’ and ‘video programming’ have the meanings provided by section 602 of this Act.”

(b) MARKETING OF CERTAIN SATELLITE COMMUNICATIONS.—

(1) FINDINGS.—The Congress finds that—

(A) many satellite-delivered programming services have unnecessarily restricted options for consumers wishing to choose between competing television programming distributors;

(B) presently 3,000,000 Americans own C-band home satellite television systems and the number is growing at a rate of 350,000 to 400,000 each year;

(C) there is disparity in wholesale pricing between programming services offered to cable operators and to satellite programming distributors;

(D) independent, noncable third-party packaging of C-band direct broadcast satellite delivered programming will encourage the availability of programming to C-band direct broadcast home satellite television systems; and

(E) in order to promote the development of direct-to-home satellite service, Congress must act to ensure that video programming vendors provide access on fair and non-discriminatory terms.

(2) AMENDMENTS.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) by striking subsection (f) as added by section 204 of the Satellite Home Viewer Act of 1988;

(2) by striking “subsection (d)” each place it appears in subsections (d)(6) and (e)(3)(A) and inserting “subsection (f)”;

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) the following new subsection:

“(c)(1) Any person who encrypts any satellite delivered programming shall—

“(A) make such programming available for private viewing by home satellite antenna users;

“(B) when making such programming available through any other person for distribution through any medium, establish reasonable and nondiscriminatory financial, character, technical, and service criteria and

requirements under which noncable distributors shall qualify to distribute such programming for private viewing by home satellite antenna users; and

“(C) when making such programming available through any other person for distribution through any medium, establish by the effective date of this subparagraph or January 1, 1992, whichever is later, price, terms, and conditions for the wholesale distribution of such programming which do not discriminate between the distribution of such programming to distributors for cable television subscribers and distributors to home satellite antenna users, nor among different distributors to home satellite antenna users, except that this subparagraph shall not prohibit rate differentials which are—

“(i) attributable to actual and reasonable differences in the costs of the creation, sale, delivery, or transmission of such programming as between different delivery media;

“(ii) attributable to reasonable volume discounts; or

“(iii) attributable to bona fide agreements for the distribution of such programming which were in effect prior to the enactment date of this subparagraph.

“(2) Where a person who encrypts satellite delivered programming has established a separate subsidiary for distribution to satellite antenna users, such person shall not be required to establish or license any entity on the same terms and conditions as such separate subsidiary; except that for purposes of any claim of discrimination under this section, a party aggrieved may, as evidence of discrimination, compare the prices, terms, and conditions established by the person who encrypts.

“(3) Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to authorize or license any distributor for a secondary satellite retransmission of such programming, but, if any person who encrypts satellite delivered programming authorizes or licenses such a distributor, such person shall, consistent with the provisions of paragraph (1)(B) and (1)(C), establish criteria to qualify to distribute such programming through such secondary satellite retransmissions, and further establish nondiscriminatory price, terms, and conditions for such distribution. Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

“(4) Any person aggrieved by any violation of paragraph (1)(A) of this subsection may bring a civil action in a United States district court or in any other court of competent jurisdiction. Such court may grant temporary and final injunctions or other equitable relief on such terms as it may deem reasonable and appropriate to prevent or restrain such violations.

“(5) Any person aggrieved by any violation of paragraph (1)(B), (1)(C), or (2) of this subsection may bring a civil action in the United States district court or other court of competent jurisdiction. Such court may grant temporary and final injunctions on such terms as it may deem reasonable and appropriate to prevent or restrain such violations; and (i) direct the recovery of damages to a prevailing plaintiff, including actual damages, or statutory damages for all violations in a sum of not more than \$500,000, as the court considers just; and (ii) direct the recovery of full costs, including reasonable attorney's fees, to a prevailing party.

“(6) As used in this subsection—

“(A) the term ‘satellite delivered programming’ means video programming transmitted by a domestic C-band direct broadcast

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 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
Boehlert 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
Combust 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 Herrick 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 Myrs Mrazek
Evans Nagle Murtha
Ewing Natcher Myers
Fascell Neal (MA) Walsh
Flake Neal (NC) Washington
Foglietta Nichols Waters
Frank (MA) Nussle Wheat
Gaydos Oakar Whitten
Gejdenson Oberstar Whittle
Geren Obey Wyden
Gibbons Olver Wylie
Gilman Ortiz Yatron
Glickman Owens (UT) Young (AK)
Gonzalez Packard
Gordon Pallone

ANSWERED “PRESENT”—1

Weiss

NOT VOTING—24

- Anthony Hatcher Ray
Coughlin Hyde Solarz
Dellums Jones (NC) Tallon
Dymally Koltner 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 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
Boehlert 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)
Combust 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

to afford other means of receiving programming.

"(8) Because television broadcasters and cable television operators compete directly for the television viewing audience, for programming material, and for advertising revenue, in order to ensure that such competition is fair and operates to the benefit of consumers, the Federal interest requires that local broadcast stations be made available on cable systems as a separate and distinct purchase option for subscribers.

"(9) Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. A Government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the 'A/B' input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

"(10) Cable systems should be encouraged to carry low power television stations licensed to the communities served by those systems where the low power station creates and broadcasts, as a substantial part of its programming day, local programming.

"(11) Secure carriage and channel positioning on cable television systems are the most effective means through which off-air broadcast television can access cable subscribers. In the absence of rules mandating carriage and channel positioning of broadcast television stations, some cable system operators have denied carriage or repositioned the carriage of some television stations.

"(12) Cable television systems and broadcast television stations increasingly compete for television advertising revenues and audience. A cable system has a direct financial interest in promoting those channels on which it sells advertising or owns programming. As a result, there is an economic incentive for cable systems to deny carriage to local broadcast signals, or to reposition broadcast signals to disadvantageous channel positions, or both. Absent reimposition of must carry and channel positioning requirements, such activity could occur, thereby threatening diversity, economic competition, and the Federal television broadcast allocation structure in local markets across the country.

"(13) Cable systems provide the most effective access to television households that subscribe to cable. As a result of the cable operators provision of this access and the operator's economic incentives described in paragraph (12), negotiations between cable operators and local broadcast stations have not been an effective mechanism for securing carriage and channel positioning.

"(14) The public interest will be served by the development of competition in the marketplace for video programming and by encouraging new multichannel video programming distribution technologies. Prohibiting video program vendors in which a multichannel video system operator has controlling interest from unreasonably refusing to deal with other multichannel video system operators with respect to provision of video programming is necessary to help establish a competitive marketplace.

"(15) It is necessary and appropriate to promote competition between cable operators and other multichannel video system operators by facilitating access of such other multichannel video system operators to video programming, subject to exclusive contractual arrangements between programmers and cable operators that do not have the effect of significantly impeding competition."

SEC. 3. REQUIREMENTS FOR THE PROVISION AND REGULATION OF BASIC SERVICE TIER.

(a) AMENDMENT.—Section 623 of the Communications Act of 1934 is amended to read as follows:

"SEC. 623. REGULATION OF RATES.

"(a) IN GENERAL; LIMITATIONS.—No Federal agency or State may regulate the rates for the provision of cable service except to the extent provided under this section. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

"(b) PREFERENCE FOR COMPETITION.—If the Commission finds that a cable system is subject to effective competition, the rates for the provision of cable service by such system shall not be subject to regulation by the Commission or by a State or franchising authority under this section. If the Commission finds that a cable system is not subject to effective competition, the rates for the provision of basic cable service shall be subject to regulation under subsection (c) of this section.

"(c) ESTABLISHMENT OF BASIC SERVICE TIER RATE LIMITATIONS.—

"(1) COMMISSION REGULATIONS.—Within 120 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish the following:

"(A) BASIC SERVICE TIER RATES.—A formula to establish the maximum price of the basic service tier, which formula—

"(i) shall take into account only—

"(I) the number of signals required to be carried on the basic service tier pursuant to paragraph (2);

"(II) the direct costs of obtaining, transmitting, and otherwise providing such signals, and changes in such costs;

"(III) such portion of the joint and common costs of the cable operator as is determined, in accordance with regulations prescribed by the Commission, to be properly allocable to obtaining, transmitting, and otherwise providing such signals, and changes in such costs; and

"(IV) a reasonable profit (as defined by the Commission) on the provision of the basic service tier; and

"(ii) shall not take into account—

"(I) any additional video programming services carried on the basic service tier pursuant to paragraph (4);

"(II) any costs of obtaining, transmitting, marketing, or otherwise providing any such additional video programming services or any other signal not required to be carried on the basic service tier pursuant to paragraph (2);

"(III) any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any fee, tax, or assessment of general applicability which is applied in an unduly discriminatory manner against cable operators or cable subscribers; or

"(IV) any amount required to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels.

"(B) EQUIPMENT.—A formula to establish the price for installation and lease of the equipment necessary for subscribers to receive the basic service tier, including a converter box and a remote control. Such formula shall not apply unless the franchising authority certifies that compatible converter boxes or remote control units are not available locally from retail equipment vendors not affiliated with the cable system.

"(C) CONVERTER BOXES AND REMOTES.—Standards concerning the availability for

lease or purchase and pricing of converter boxes and remote controls.

"(D) COSTS OF FRANCHISE REQUIREMENTS.—(i) A formula to identify and allocate costs attributable to satisfying franchise requirements to support public, educational, and governmental channels or the use of such channels or any other services required under the franchise, and (ii) procedures by which the cable operator will recover from subscribers—

"(I) the costs described in clause (i) of this subparagraph, and

"(II) the costs of any amounts assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers and any fee, tax, or assessment of general applicability which is applied in an unduly discriminatory manner against cable operators or cable subscribers.

"(E) IMPLEMENTATION AND ENFORCEMENT.—Additional standards, guidelines, and procedures concerning the implementation and enforcement of the regulations prescribed by the Commission under this subsection, which shall include—

"(i) procedures by which cable operators may implement and franchising authorities may oversee the administration of the formulas, standards, guidelines, and procedures established by the Commission under this subsection; and

"(ii) standards and procedures to prevent unreasonable charges for changes in the subscriber's selection of services or equipment subject to regulation under this section, which standards shall require that charges for changing the service tier selected shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method.

"(F) EFFECTIVE DATES.—An effective date or dates for compliance with the formulas, standards, guidelines, and procedures established under this subsection.

"(2) COMPONENTS OF BASIC TIER SUBJECT TO RATE REGULATION.—Each cable operator of a cable system shall provide its subscribers a separately available basic service tier to which the rates prescribed under paragraph (1) shall apply and to which subscription is required for access to all other tiers of service. Such basic service tier shall, except as provided in paragraphs (3), (4), (5), and (6), consist only of the following:

"(A) All signals carried in fulfillment of the requirements of sections 614 and 615.

"(B) Any public, educational, and governmental access programming required by the franchise of the cable system to be provided to subscribers.

"(3) SMALL SYSTEM EXCEPTION.—The requirements of this subsection shall not apply to—

"(A) any cable system with 12 or fewer usable activated channels that has 300 or fewer subscribers, or

"(B) if the Commission grants a waiver to the system upon a showing that the system lacks the technical or economic means to create a separately available basic tier, so long as such system does not delete any signal of a broadcast television station from carriage by that system.

"(4) ADDITIONS TO BASIC TIER PROHIBITED.—

"(A) PROHIBITION.—No cable operator may add any video programming to the basic tier that is not a signal or programming required to be included in such tier pursuant to paragraph (2). Any obligation imposed by a franchise that is inconsistent with this paragraph is preempted and may not be enforced. A contract or other agreement that requires carriage on the basic service tier, or that establishes a rate for carriage (as part of the basic service tier), of a signal or program-

ming that is not required to be included in such tier pursuant to paragraph (2) may not be enforced by a video programming vendor (as such term is defined in section 705A(g) of this Act) unless such contract or agreement is applied to require carriage of such signal or programming on the next most widely subscribed level of service.

“(B) EXCEPTION.—Subparagraph (A) of this paragraph and paragraph (2) shall not prohibit a cable operator that does not have available for carriage pursuant to section 614 a qualified local commercial affiliate of a commercial broadcast network (as defined by the Commission regulation 73.3613(a)(1) (47 C.F.R. 73.3613(a)(1))), from carrying on the basic tier a channel that includes the video programming of that network.

“(5) RATE REGULATION AGREEMENTS.—During the term of an agreement made before July 1, 1990, by a franchising authority and a cable operator providing for the regulation of basic cable service rates, where there was not effective competition under Commission rules in effect on that date, nothing in this section (or the regulations thereunder) shall abridge the ability of such franchising authority to regulate rates in accordance with such an agreement.

“(6) TREATMENT OF EXISTING BROADCAST TIERS.—

“(A) CONTINUED CARRIAGE PERMITTED.—In the case of any cable operator that offered to subscribers a tier of programming as of January 1, 1992, consisting of not more than—

“(i) the signals of any broadcast television station carried on the system; and

“(ii) any public, educational, or governmental access or local origination programming;

the provisions of paragraphs (2) and (4) of this subsection shall not prohibit such operator from continuing to provide such tier.

“(B) RATE FORMULA ADJUSTMENT; RETIERING.—Any cable operator providing a tier of programming described in subparagraph (A) may—

“(i) continue to provide such tier to subscribers, subject to a formula for a maximum price established by the Commission, which formula shall comply with the requirements of paragraph (1), except that the Commission shall take into account additional costs described in subclauses (II) and (III) of paragraph (1)(A)(i) with respect to the signal of any broadcast television station not required by paragraph (2) to be offered on the basic service tier; or

“(ii) delete such programming from the tier described in subparagraph (A) as may be necessary to comply with the requirements of this subsection.

“(d) DISCRIMINATION; SERVICES FOR THE HEARING IMPAIRED.—Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority from—

“(1) prohibiting discrimination among customers of basic cable service, or

“(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

“(e) REVIEW OF FINANCIAL INFORMATION.—

“(1) COLLECTION OF INFORMATION.—The Commission shall, by regulation, require cable operators to file, within 60 days after the effective date of the regulations prescribed under subsection (c)(1) and annually thereafter, such financial information as may be needed for purposes of administering and enforcing this section.

“(2) CONGRESSIONAL REPORT.—The Commission shall submit to each House of the Congress, by January 1, 1994, a report on the financial condition, profitability, rates, and performance of the cable industry and making such recommendations as the Commis-

sion considers appropriate in light of such information.

“(f) DEFINITIONS.—As used in this section—

“(1) The term ‘effective competition’ means that—

“(A) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system; or

“(B) the franchise area is—

“(i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and

“(ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area.

“(2) The term ‘cable programming service’ means any video programming provided over a cable system, regardless of service tier, other than video programming required to be carried under subsection (c)(2) and video programming offered on a per channel or per program basis.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. UNREASONABLE REFUSALS TO FRANCHISE PROHIBITED.

Section 621(a) of the Communications Act of 1934 (47 U.S.C. 541(a)) is amended by adding at the end thereof the following:

“(4) A franchising authority shall not, in the awarding of franchises within its jurisdiction, grant an exclusive franchise, or unreasonably refuse to award additional franchises because of the previous award of a franchise to another cable operator. For purposes of this paragraph, refusal to award a franchise shall not be unreasonable if, for example, such refusal is on the ground—

“(A) of technical infeasibility;

“(B) of inadequate assurance that the cable operator will provide adequate public, educational and governmental access channel capacity, facilities, or financial support;

“(C) of inadequate assurance that the cable operator will, within a reasonable period of time, provide universal service throughout the entire franchise area under the jurisdiction of the franchising authority;

“(D) that such award would interfere with the right of the franchising authority to deny renewal; or

“(E) of inadequate assurance that the cable operator has the financial, technical, or legal qualifications to provide cable service.

“(5) Nothing in this subsection shall be construed as limiting the authority of local governments to assess fees or taxes for access to public rights of way.”.

SEC. 5. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

Part II of title VI of the Communications Act of 1934 (47 U.S.C. 531 et seq.) is amended by inserting after section 613 the following new section:

“SEC. 614. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

“(a) CARRIAGE OBLIGATIONS.—Each cable operator shall carry, on the cable system of that operator, the signals of local commercial television stations as provided by the following provisions of this section. Carriage of additional broadcast television signals on such system shall be at the discretion of such operator, subject to section 325(b).

“(b) SIGNALS REQUIRED.—

“(1) IN GENERAL.—(A) A cable operator of a cable system with 12 or fewer usable activated channels shall carry the signals of at least three local commercial television stations, except that if such a system has 300 or fewer subscribers, it shall not be subject to

any requirements under this section so long as such system does not delete from carriage by that system any signal of a broadcast television station.

“(B) A cable operator of a cable system with more than 12 usable activated channels shall carry the signals of local commercial television stations up to 33 percent of the aggregate number of usable activated channels of such system.

“(2) SELECTION OF SIGNALS.—Whenever the number of local commercial television stations exceeds the maximum number of signals a cable system is required to carry under paragraph (1), the cable operator shall have discretion in selecting which such signals shall be carried on its cable system, except that if the cable operator elects to carry an affiliate of a broadcast network (as such term is defined by the Commission by regulation), such cable operator shall carry the affiliate of such broadcast network whose city of license reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (in effect on January 1, 1991), or any successor regulation thereto, is closest to the principal headend of the cable system.

“(3) CONTENT TO BE CARRIED.—(A) A cable operator shall carry in its entirety, on the cable system of that operator, the primary video, accompanying audio transmission, and line 21 closed caption of each of the local commercial television stations carried on the cable system and, to the extent technically feasible, program-related material carried in the vertical blanking interval or on subcarriers. Retransmission of other material in the vertical blanking interval or other nonprogram-related material (including teletext and other subscription and advertiser-supported information services) shall be at the discretion of the cable operator. Where appropriate and feasible, operators may delete signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the system headend or headends.

“(B) The cable operator shall carry the entirety of the program schedule of any television station carried on the cable system unless carriage of specific programming is prohibited, and other programming authorized to be substituted, under section 76.67 or subpart F of part 76 of title 47, Code of Federal Regulations (as in effect on January 1, 1991), or any successor regulations thereto.

“(4) SIGNAL QUALITY.—

“(A) NONDEGRADATION; TECHNICAL SPECIFICATIONS.—The signals of local commercial television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal.

“(B) ADVANCED TELEVISION.—At such time as the Commission prescribes modifications of the standards for television broadcast signals, the Commission shall initiate a proceeding to establish any changes in the signal carriage requirements of cable television systems necessary to ensure cable carriage of such broadcast signals of local commercial television stations which have been changed to conform with such modified standards.

“(C) SIGNAL QUALITY RESPONSIBILITIES OF STATION.—Notwithstanding any other provisions of this section, a cable operator shall not be required to carry any qualified local noncommercial television station which does not deliver to the cable system's principal headend a signal of good quality, as may be defined by the Commission by regulation.

“(5) DUPLICATION NOT REQUIRED.—Notwithstanding paragraph (1), a cable operator shall not be required to carry the signal of any local commercial television station that substantially duplicates the signal of another local commercial television station which is carried on its cable system, or to carry the signals of more than one local commercial television station affiliated with a particular broadcast network (as such term is defined by regulation). If a cable operator elects to carry on its cable system a signal which substantially duplicates the signal of another local commercial television station carried on the cable system, or to carry on its system the signals of more than one local commercial television station affiliated with a particular broadcast network, all such signals shall be counted toward the number of signals the operator is required to carry under paragraph (1).

“(6) CHANNEL POSITIONING.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the local commercial television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, or on the channel on which it was carried on January 2, 1992, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator.

“(B) EXCEPTION.—A cable operator may make a single election to carry all the signals of qualified local commercial television stations carried in fulfillment of the requirements of this section on channel numbers 2 through 13, inclusive. The channel position of any qualified local commercial television station carried on channels 2 through 13, inclusive, on July 19, 1985, or January 2, 1990, shall not be changed under this subparagraph without the consent of the station.

“(C) DISPUTES.—Any dispute regarding the positioning of a local commercial television station shall be resolved by the Commission.

“(7) SIGNAL AVAILABILITY.—Signals carried in fulfillment of the requirements of this section shall be provided to every subscriber of a cable system. Such signals shall be viewable via cable on all television receivers of a subscriber which are connected to a cable system by a cable operator or for which a cable operator provides a connection. If a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers at reasonable rates.

“(8) IDENTIFICATION OF SIGNALS CARRIED.—A cable operator shall identify, upon request by any person, the signals carried on its system in fulfillment of the requirements of this section.

“(9) NOTIFICATION.—A cable operator shall provide written notice to a local commercial television station at least 30 days prior to either deleting from carriage or repositioning that station. No deletion or repositioning of a local commercial television station shall occur during a period in which major television ratings services measure the size of audiences of local television stations. The notifications provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

“(10) COMPENSATION FOR CARRIAGE.—A cable operator shall not accept or request

monetary payment or other valuable consideration in exchange either for carriage of local commercial television stations in fulfillment of the requirements of this section or for the channel positioning rights provided to such stations under this section, except that—

“(A) any such station may be required to bear the costs associated with delivering a good quality signal to the headend of the cable system;

“(B) a cable operator may accept payments from stations which would be considered distant signals under section 111 of title 17, United States Code, as reimbursement for the incremental copyright costs assessed against such cable operator for carriage of such signal; and

“(C) a cable operator may continue to accept monetary payment or other valuable consideration in exchange for carriage or channel positioning of the signal of any local commercial television station carried in fulfillment of the requirements of this section, through, but not beyond, the date of expiration of an agreement thereon between a cable operator and a local commercial television station entered into prior to June 26, 1990.

“(c) REMEDIES.—

“(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a local commercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or has otherwise failed to comply with the channel positioning or repositioning or other requirements of this section. The cable operator shall, within 30 days of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning requirements of this section. A local commercial television station that is denied carriage or channel positioning or repositioning in accordance with this section by a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

“(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

“(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall order the cable operator to reposition the complaining station or, in the case of an obligation to carry a station, to commence carriage of the station and to continue such carriage for at least 12 months. If the Commission determines that the cable operator has fully met the requirements of this section, it shall dismiss the complaint.

“(d) INPUT SELECTOR SWITCH RULES ABOLISHED.—No cable operator shall be required—

“(1) to provide or make available any input selector switch as defined in section 76.5(mm) of title 47, Code of Federal Regulations, or any comparable device, or

“(2) to provide information to subscribers about input selector switches or comparable devices.

“(e) REGULATIONS BY COMMISSION.—Within 180 days after the date of enactment of this

Act, the Commission shall, following a rule-making proceeding, issue regulations implementing the requirements imposed by this section.

“(f) DEFINITION.—(1) For purposes of this section, the term ‘local commercial television station’ means any television broadcast station, determined by the Commission to be a commercial station, licensed and operating on a channel regularly assigned to its community by the Commission that, with respect to a particular cable system, is within the same television market as the cable system. If such a television broadcast station—

“(A) would be considered a distant signal under section 111 of title 17, United States Code, it shall be deemed to be a local commercial television station upon agreement to reimburse the cable operator for the incremental copyright costs assessed against such operator as a result of being carried on the cable system; or

“(B) does not deliver to the principal headend of a cable system either a signal level of -45dBm for UHF signals or -49dBm for VHF signals at the input terminals of the signal processing equipment, it shall be responsible for the costs of delivering to the cable system a signal of good quality or a baseband video signal.

“(2) The term ‘local commercial television station’ shall not include low power television stations, television translator stations, and passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations, or any successor regulations thereto.

“(3) For purposes of this section, a broadcasting station’s market shall be defined as specified in section 73.3555 of title 47, Code of Federal Regulations as in effect on May 1, 1991, except that, following a written request, the Commission may, with respect to a particular television broadcast station, include or exclude communities from such station’s television market to better effectuate the purposes of this section.”

SEC. 6. CARRIAGE OF NONCOMMERCIAL STATIONS.

Part II of title VI of the Communications Act of 1934 (47 U.S.C. 531 et seq.) is further amended by inserting after section 614, as added by section 4, the following new section:

“SEC. 615. CARRIAGE OF NONCOMMERCIAL EDUCATIONAL TELEVISION

“(a) CARRIAGE OBLIGATIONS.—In addition to the carriage requirements set forth in section 614, each operator of a cable system (hereinafter in this section referred to as an ‘operator’) shall carry the signals of qualified noncommercial educational television stations in accordance with the provisions of this section.

“(b) REQUIREMENTS TO CARRY QUALIFIED STATIONS.—

“(1) GENERAL REQUIREMENT TO CARRY EACH QUALIFIED STATION.—Subject to paragraphs (2) and (3) and subsection (e), each operator shall carry, on the cable system of that operator, each qualified local noncommercial educational television station requesting carriage.

“(2)(A) SYSTEMS WITH 12 OR FEWER CHANNELS.—Notwithstanding paragraph (1), an operator of a cable system with 12 or fewer usable activated channels shall be required to carry the signal of one qualified local noncommercial educational television station; except that an operator of such a system shall comply with subsection (c) and may, in its discretion, carry the signals of other qualified noncommercial educational television stations.

“(B) In the case of a cable system described in subparagraph (A) which operates beyond the presence of any qualified local noncommercial educational television station—

“(i) the operator shall carry on that system the signal of one qualified noncommercial educational television station;

“(ii) the selection for carriage of such a signal shall be at the election of the operator; and

“(iii) in order to satisfy the requirements for carriage specified in this subsection, the operator of the system shall not be required to remove any other programming service actually provided to subscribers on March 29, 1990; except that such operator shall use the first channel available to satisfy the requirements of this subparagraph.

“(3) SYSTEMS WITH 13 TO 36 CHANNELS.—(A) Subject to subsection (c), an operator of a cable system with 13 to 36 usable activated channels—

“(i) shall carry the signal of at least one qualified local noncommercial educational television station but shall not be required to carry the signals of more than three such stations, and

“(ii) may, in its discretion, carry additional such stations.

“(B) In the case of a cable system described in this paragraph which operates beyond the presence of any qualified local noncommercial educational television station, the operator shall import the signal of at least one qualified noncommercial educational television station to comply with subparagraph (A)(i).

“(C) The operator of a cable system described in this paragraph which carries the signal of a qualified local noncommercial educational station affiliated with a State public television network shall not be required to carry the signal of any additional qualified local noncommercial educational television stations affiliated with the same network if the programming of such additional stations is substantially duplicated by the programming of the qualified local noncommercial educational television station receiving carriage.

“(D) An operator of a system described in subparagraph (A) which increases the usable activated channel capacity of the system to more than 36 channels on or after March 29, 1990 shall, in accordance with the other provisions of this section, carry the signal of each qualified local noncommercial educational television station requesting carriage, subject to subsection (e).

“(C) CONTINUED CARRIAGE OF EXISTING STATIONS.—Notwithstanding any other provision of this section, all operators shall continue to provide carriage to all qualified local noncommercial educational television stations whose signals were carried on their systems as of March 29, 1990. The requirements of this subsection may be waived with respect to a particular operator and a particular such station, upon the written consent of the operator and the station.

“(d) PLACEMENT OF ADDITIONAL SIGNALS.—An operator required to add the signals of qualified local noncommercial educational television stations to a cable system under this section may do so by placing such additional stations on public, educational, or governmental channels not in use for their designated purposes.

“(e) SYSTEMS WITH MORE THAN 36 CHANNELS.—An operator of a cable system with a capacity of more than 36 usable activated channels which is required to carry the signals of three qualified local noncommercial educational television stations shall not be required to carry the signals of additional such stations the programming of which substantially duplicates the programming broadcast by another qualified local noncommercial educational television station requesting carriage. Substantial duplication shall be defined by the Commission in a manner that promotes access to distinctive noncommercial educational television services.

“(f) WAIVER OF NONDUPLICATION RIGHTS.—A qualified local noncommercial educational television station whose signal is carried by an operator shall not assert any network nonduplication rights it may have pursuant to section 76.92 of title 47, Code of Federal Regulations, to require the deletion of programs aired on other qualified local noncommercial educational television stations whose signals are carried by that operator.

“(g) CONDITIONS OF CARRIAGE.—

“(1) CONTENT TO BE CARRIED.—An operator shall retransmit in its entirety the primary video and accompanying audio transmission of each qualified local noncommercial educational television station whose signal is carried on the cable system, and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes. Retransmission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the operator.

“(2) An operator shall provide each qualified local noncommercial educational television station whose signal is carried in accordance with this section with bank-width and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

“(3) CHANGES IN CARRIAGE.—The signal of a qualified local noncommercial educational television station shall not be repositioned by an operator unless the operator, at least 30 days in advance of such repositioning, has provided written notice to the station and all subscribers of the cable system. For purposes of this paragraph, repositioning includes (A) assignment of a qualified local noncommercial educational television station to a cable system channel number different from the cable system channel number to which the station was assigned as of March 29, 1990, and (B) deletion of the station from the cable system.

“(4) GOOD QUALITY SIGNAL REQUIRED.—Notwithstanding the other provisions of this section, an operator shall not be required to carry the signal of any qualified local noncommercial educational television station which does not deliver to the cable system's principal headend a signal of good quality, as may be defined by the Commission.

“(5) CHANNEL POSITIONING.—Each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the local commercial television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator. Any dispute regarding the positioning of a local commercial television station shall be resolved by the Commission.

“(h) AVAILABILITY OF SIGNALS.—Signals carried in fulfillment of the carriage obligations of an operator under this section shall be available to every subscriber as part of the cable system's lowest priced service tier that includes the retransmission of local television broadcast signals.

“(i) PAYMENT FOR CARRIAGE.—

“(1) An operator shall not accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local noncommercial educational television station carried in fulfillment of the requirements of this section, except that such a station may be required to bear the cost associated with delivering a good qual-

ity signal to the principal headend of the cable system.

“(2) Notwithstanding the provisions of this section, an operator shall not be required to add the signal of a qualified local noncommercial educational television station not already carried under the provision of subsection (c), where such signal would be considered a distant signal for copyright purposes unless such station reimburses the operator for the incremental copyright costs assessed against such operator as a result of such carriage.

“(j) REMEDIES.—

“(1) COMPLAINT.—Whenever a qualified local noncommercial educational television station believes that an operator of a cable system has failed to comply with the signal carriage requirements of this section, the station may file a complaint with the Commission. Such complaint shall allege the manner in which such operator has failed to comply with such requirements and state the basis for such allegations.

“(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such operator an opportunity to present data, views, and arguments to establish that the operator has complied with the signal carriage requirements of this section.

“(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed under this subsection, the Commission shall determine whether the operator has complied with the requirements of this section. If the Commission determines that the operator has failed to comply with such requirements, the Commission shall state with particularity the basis for such findings and order the operator to take such remedial action as is necessary to meet such requirements. If the Commission determines that the operator has fully complied with such requirements, the Commission shall dismiss the complaint.

“(k) IDENTIFICATION OF SIGNALS.—An operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

“(l) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified noncommercial educational television station’ means any television broadcast station which—

“(A)(i) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational television broadcast station and which is owned and operated by a public agency, nonprofit foundation, corporation, or association; or

“(ii) is owned and operated by a municipality and transmits only noncommercial programs for educational purposes; and

“(B) has as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) (47 U.S.C. 396(k)(6)(B));

such term includes (I) the translator of any noncommercial educational television station with five watts or higher power serving the franchise area, (II) a full-service station or translator if such station or translator is licensed to a channel reserved for noncommercial educational use pursuant to section 73.606 of title 47, Code of Federal Regulations, or any successor regulations thereto, and (III) such stations and translators operating on channels not so reserved as the Commission determines are qualified as noncommercial educational stations.

“(2) QUALIFIED LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term

'qualified local noncommercial educational television station' means a qualified non-commercial educational television station—

“(A) which is licensed to a principal community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on March 29, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system; or

“(B) whose Grade B service contour, as defined in section 73.683(a) of such title (as in effect on March 29, 1990), or any successor regulations thereto, encompasses the principal headend of the cable system.”.

SEC. 7. EXPANSION OF THE RURAL EXEMPTION TO THE CABLE-TELEPHONE CROSS-OWNERSHIP PROHIBITION.

Section 613(b)(3) of the Communications Act of 1934 (47 U.S.C. 533(b)(3)) is amended—

(1) by inserting “(A)” after “(3)”;
 (2) by striking “(as defined by the Commission)”; and
 (3) by adding at the end the following:

“(B) For the purposes of subparagraph (A), the term ‘rural area’ means a geographic area that does not include either—

“(i) any incorporated or unincorporated place of 10,000 inhabitants or more, or any part thereof; or

“(ii) any territory, incorporated or unincorporated, included in an urbanized area (as defined by the Bureau of Census as of the date of the enactment of this subparagraph).”.

SEC. 8. CONSUMER PROTECTION AND CUSTOMER SERVICE.

Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended to read as follows:

“SEC. 632. CONSUMER PROTECTION AND CUSTOMER SERVICE.

“(a) FRANCHISING AUTHORITY ENFORCEMENT.—A franchising authority may require, as part of a franchise (including a modification, renewal, or transfer thereof), provisions for enforcement of—

“(1) customer service requirements of the cable operator; and

“(2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.

“(b) COMMISSION STANDARDS.—The Commission shall, within 180 days of enactment of the Cable Television Consumer Protection and Competition Act of 1992, establish standards by which cable operators may fulfill their customer service requirements. The Commission, in establishing such standards, shall take into account differences in cable system size. Such standards shall include, at a minimum, requirements governing—

“(1) cable system office hours and telephone availability;

“(2) installations, outages, and service calls; and

“(3) communications between the cable operator and the customer (including standards governing bills and refunds).

“(c) AVAILABILITY OF TECHNOLOGY; PROCEEDING REQUIRED.—The Federal Communications Commission shall—

“(1) within 60 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, initiate a proceeding to determine—

“(A) whether equipment standards are necessary to permit the commercial availability, from cable operators or retail vendors that are not affiliated with cable systems, of converter boxes and remote controls compatible with cable systems; and

“(B) the feasibility of including converter and addressability technology for cable systems and other multichannel video systems in television receivers shipped in interstate commerce or imported from any foreign

country into the United States for sale or resale to the public, taking into account (i) the impact on domestic manufacturers of including such technology in such television receivers, and (ii) the need for cable operators and other multichannel video systems to protect their signals against unauthorized reception; and

“(2) prescribe any standards determined to be necessary under paragraph (1).

“(d) CONSUMER PROTECTION LAWS AND CUSTOMER SERVICE AGREEMENTS.—

“(1) CONSUMER PROTECTION LAWS.—Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law of general applicability, to the extent not specifically preempted by this title.

“(2) CUSTOMER SERVICE REQUIREMENT AGREEMENTS.—Nothing in this section shall be construed to preclude a franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards established by the Commission under subsection (b).”.

SEC. 9. TECHNICAL STANDARDS.

Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

“(e) Within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall prescribe regulations which establish minimum technical standards relating to cable systems’ technical operation and signal quality. The Commission periodically shall update such standards to reflect improvements in technology. A franchising authority may require as part of a franchise (including a modification, renewal, or transfer thereof) provisions for the enforcement of the standards prescribed under this subsection. A franchising authority may apply to the Commission for a waiver to impose standards that are more stringent than the standards prescribed by the Commission under this subsection.”.

SEC. 10. COMPETITION AND TECHNOLOGICAL DEVELOPMENT.

(a) PROHIBITION ON UNREASONABLE REFUSALS TO DEAL WITH MULTICHANNEL VIDEO SYSTEM OPERATORS.—Title VII of the Communications Act of 1934 is amended by inserting after section 705 (47 U.S.C. 605) the following new section:

“SEC. 705A. PROGRAMMING ACCESS TO PROMOTE COMPETITION AND CONTINUING TECHNOLOGICAL DEVELOPMENT.

“(a) UNREASONABLE REFUSALS TO DEAL PROHIBITED.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, in order to promote competition and diversity in the multichannel video programming market and continuing development of communications technologies, prescribe regulations to prohibit any video programming vendor that controls, is controlled by, or is under common control with a multichannel video system operator and that engages in the regional or national distribution of video programming from refusing to deal with any multichannel video system operator with respect to the provision of video programming if such refusal would unreasonably restrain competition. Entering into or abiding by the terms of an exclusive contract that does not have the effect of unreasonably restraining competition shall not be considered an unreasonable refusal to deal. Nothing contained in this subsection shall require any person who licenses video programming for distribution to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

“(b) REMEDIES FOR VIOLATIONS.—Any multichannel video system operator aggrieved

by conduct that it alleges constitutes a violation of the regulations prescribed under this section may commence an adjudicatory proceeding at the Commission. Upon completion of such proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish price, terms, and conditions of sale of programming to the aggrieved multichannel video system operator.

“(c) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission’s regulations shall—

“(1) provide for an expedited review of any complaints made pursuant to this section;

“(2) establish procedures for the Commission to collect such data as the Commission requires to carry out this section with respect to exclusive contracts or other practices and their effects on competitors, competition, or the video programming distribution market or on the development of new video distribution technologies; and

“(3) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

“(d) SUNSET.—The regulations prescribed under subsection (a)(1) of this section shall cease to be effective 9 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, or on such earlier date as the Commission determines that a competitive national market for the delivery of video programming exists. Such regulations shall cease to be effective for any local market on such earlier date as the Commission determines that a competitive market for the delivery of such programming exists in such local market.

“(e) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by subsection (a), annually report to Congress on the status of competition in the market for the delivery of video programming.

“(f) EXEMPTIONS FOR PRIOR CONTRACTS.—Nothing in this section shall affect any contract (or the renewal or extension of any contract) that grants exclusive distribution rights to any person with respect to video programming and that was entered into on or before June 1, 1990.

“(g) DEFINITIONS.—

“(1) The term ‘multichannel video system operator’ includes an operator of any cable system, multichannel multipoint distribution service, direct broadcast satellite distribution service, television receive-only satellite distribution service, or other comparable system for the distribution of video programming.

“(2) The term ‘video programming vendor’—

“(A) means any person who licenses video programming for distribution by any multichannel video system operator;

“(B) includes satellite delivered video programming networks and other programming networks and services;

“(C) does not include a network or service distributing video programming intended for broadcast by a television station affiliated with a broadcasting network; and

“(D) does not include a network or service distributing video programming that is carried as a secondary transmission of a signal broadcast by a television station.

“(3) The terms ‘cable system’ and ‘video programming’ have the meanings provided by section 602 of this Act.”.

(b) REGULATION OF CARRIAGE AGREEMENTS.—Part II of title VI of the Communications Act of 1934 is amended by adding at the end the following new section:

“SEC. 616. REGULATION OF CARRIAGE AGREEMENTS.

“(a) REGULATIONS REQUIRED.—Within one year after the date of enactment of this Act,

the Commission shall establish regulations governing program carriage agreements and related practices between cable operators and video programming vendors.

“(b) PREVENTION OF UNREASONABLE RESTRAINTS ON COMPETITION.—The regulations required by subsection (a) shall, to the extent necessary to prevent conduct that unreasonably restrains competition, prohibit—

“(1) a cable operator or other multichannel video system operator from coercing a financial interest in a program service as a condition for carriage on one or more of such operator’s systems;

“(2) a cable operator or other multichannel video system operator from coercing a video programming vendor to provide exclusive rights against other multichannel video system operators as a condition of carriage on a system; and

“(3) a multichannel video system operator from engaging in conduct the effect of which is to unreasonably restrain the ability of an unaffiliated video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation in the selection, terms, or conditions for carriage of video programming vendors.

“(c) ADDITIONAL CONTENTS OF REGULATIONS.—The regulations required by subsection (a) shall also—

“(1) provide for expedited review of any complaints made by a video programming vendor pursuant to this section;

“(2) provide for appropriate penalties and remedies for violations of this subsection, including carriage; and

“(3) provide penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

“(d) DEFINITIONS.—As used in this section, the terms ‘video programming vendor’ and ‘multichannel video system operator’ have the meanings provided by section 705A(g) of this Act.”.

SEC. 11. MARKETING OF CERTAIN SATELLITE COMMUNICATIONS.

(a) FINDINGS.—The Congress finds that—

(1) many satellite-delivered programming services have unnecessarily restricted options for consumers wishing to choose between competing television programming distributors;

(2) presently 3,000,000 Americans own C-band home satellite television systems and the number is growing at a rate of 350,000 to 400,000 each year;

(3) there is disparity in wholesale pricing between programming services offered to cable operators and to satellite programming distributors;

(4) independent, noncable third-party packaging of C-band direct broadcast satellite delivered programming will encourage the availability of programming to C-band direct broadcast home satellite television systems; and

(5) in order to promote the development of direct-to-home satellite service, Congress must act to ensure that video programming vendors provide access on fair and non-discriminatory terms.

(b) AMENDMENTS.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) by striking subsection (f) as added by section 204 of the Satellite Home Viewer Act of 1988;

(2) by striking “subsection (d)” each place it appears in subsections (d)(6) and (e)(3)(A) and inserting “subsection (f)”;

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) the following new subsection:

“(c)(1) Any person who encrypts any satellite delivered programming shall—

“(A) make such programming available for private viewing by home satellite antenna users;

“(B) when making such programming available through any other person for distribution through any medium, establish reasonable and nondiscriminatory financial, character, technical, and service criteria and requirements under which noncable distributors shall qualify to distribute such programming for private viewing by home satellite antenna users; and

“(C) when making such programming available through any other person for distribution through any medium, establish by the effective date of this subparagraph or January 1, 1992, whichever is later, price, terms, and conditions for the wholesale distribution of such programming which do not discriminate between the distribution of such programming to distributors for cable television subscribers and distributors to home satellite antenna users, nor among different distributors to home satellite antenna users, except that this subparagraph shall not prohibit rate differentials which are—

“(i) attributable to actual and reasonable differences in the costs of the creation, sale, delivery, or transmission of such programming as between different delivery media;

“(ii) attributable to reasonable volume discounts; or

“(iii) attributable to bona fide agreements for the distribution of such programming which were in effect prior to the enactment date of this subparagraph.

“(2) Where a person who encrypts satellite delivered programming has established a separate subsidiary for distribution to satellite antenna users, such person shall not be required to establish or license any entity on the same terms and conditions as such separate subsidiary; except that for purposes of any claim of discrimination under this section, a party aggrieved may, as evidence of discrimination, compare the prices, terms, and conditions established by the person who encrypts.

“(3) Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to authorize or license any distributor for a secondary satellite retransmission of such programming, but, if any person who encrypts satellite delivered programming authorizes or licenses such a distributor, such person shall, consistent with the provisions of paragraphs (1)(B) and (1)(C), establish criteria to qualify to distribute such programming through such secondary satellite retransmissions, and further establish nondiscriminatory price, terms, and conditions for such distribution. Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

“(4) Any person aggrieved by any violation of paragraph (1)(A) of this subsection may bring a civil action in a United States district court or in any other court of competent jurisdiction. Such court may grant temporary and final injunctions or other equitable relief on such terms as it may deem reasonable and appropriate to prevent or restrain such violations.

“(5) Any person aggrieved by any violation of paragraph (1)(B), (1)(C), or (2) of this subsection may bring a civil action in the United States district court or other court of competent jurisdiction. Such court may grant temporary and final injunctions on such terms as it may deem reasonable and appropriate to prevent or restrain such violations; and (i) direct the recovery of damages to a prevailing plaintiff, including actual damages, or statutory damages for all

violations in a sum of not more than \$500,000, as the court considers just; and (ii) direct the recovery of full costs, including reasonable attorney’s fees, to a prevailing party.

“(6) As used in this subsection—

“(A) the term ‘satellite delivered programming’ means video programming transmitted by a domestic C-band direct broadcast 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).”.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) of this section shall take effect 90 days after the date of enactment of this Act.

SEC. 12. EQUAL EMPLOYMENT OPPORTUNITY.

(a) FINDINGS.—The Congress finds and declares that—

(1) despite the existence of present legislation governing equal employment opportunity, females and minorities are not employed in significant numbers in positions of management authority in the cable television and broadcast industries;

(2) increased numbers of females and minorities in positions of management authority in the cable television and broadcast industries advances the Nation’s policy favoring diversity in the expression of views in the electronic media; and

(3) rigorous enforcement of equal employment opportunity rules and regulations is required in order to effectively deter racial and gender discrimination.

(b) STANDARDS.—Section 634(d)(1) of the Communication Act of 1934 (47 U.S.C. 554(d)(1)) is amended to read as follows:

“(d)(1) Not later than 270 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, of this section, and after notice and opportunity for hearing, the Commission shall prescribe revisions in the rules under this section in order to implement the amendments made to this section by such Act. Such revisions shall be designed to promote equality of employment opportunities for females and minorities in each of the job categories itemized in paragraph (3) of this subsection.”.

(c) CONTENTS OF ANNUAL STATISTICAL REPORTS.—Section 634(d)(3) of the Communications Act of 1934 (47 U.S.C. 554(d)(3)) is amended to read as follows:

“(3)(A) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race, sex, and job title the number of employees in each of the following full-time and part-time job categories:

“(i) Corporate officers.

“(ii) General Manager.

“(iii) Chief Technician.

“(iv) Comptroller.

“(v) General Sales Manager.

“(vi) Production Manager.

- “(vii) Managers.
- “(viii) Professionals.
- “(ix) Technicians.
- “(x) Sales.
- “(xi) Office and Clerical.
- “(xii) Skilled Craftspersons.
- “(xiii) Semiskilled Operatives.
- “(xiv) Unskilled Laborers.
- “(xv) Service Workers.

“(B) The report required by subparagraph (A) shall be made on separate forms, provided by the Commission, for full-time and part-time employees. The Commission’s rules shall sufficiently define job categories (i) through (vi) of such subparagraph so as to ensure that only employees who are principal decisionmakers and that have supervisory authority are reported for such categories. The Commission shall adopt rules that define job categories (vii) through (xv) in a manner that is consistent with the Commission policies in effect on June 1, 1990. The Commission shall prescribe the method by which entities shall be required to compute and report the number of minorities and women in job categories (i) through (x) and the number of minorities and women in job categories (i) through (xv) in proportion to the total number of qualified minorities and women in the relevant labor market. The report shall include information on hiring, promotion, and recruitment practices necessary for the Commission to evaluate the efforts of entities to comply with the provisions of paragraph (2) of this subsection. The report shall be available for public inspection at the entity’s central location and at every location where 5 or more full-time employees are regularly assigned to work. Nothing in this subsection shall be construed as prohibiting the Commission from collecting or continuing to collect statistical or other employment information in a manner that it deems appropriate to carry out this section.”

(d) PENALTIES.—Section 634(f)(2) of such Act is amended by striking “\$200” and inserting “\$500”.

(e) APPLICATION OF REQUIREMENTS.—Section 634(h)(1) of such Act is further amended by inserting before the period the following: “and any multichannel video system operator (as that term is defined in section 705A(g) of this Act)”.

(f) STUDY AND REPORT REQUIRED.—Not later than 240 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall submit to the Congress a report pursuant to a proceeding to review and obtain public comment on the effect and operation of its procedures, regulations, policies, standards, and guidelines concerning equal employment opportunity in the broadcasting industry. In conducting such review, the Commission shall consider the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting equality of employment opportunity and promotion opportunity, and particularly the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting the congressional policy favoring increased employment opportunity for women and minorities in positions of management authority. In conducting such proceeding the Commission also shall review the effectiveness of penalties and remedies for violation of existing regulations and policies concerning equality of employment opportunity in the broadcasting industry. The Commission shall forward to the Congress such legislative recommendations to improve equal employment opportunity in the broadcasting industry as it deems necessary.

SEC. 13. HOME WIRING.

Section 624 of the Communications Act of 1934 (17 U.S.C. 544) is amended by adding at the end the following new subsection:

“(g) Within 120 days after the date of enactment of this subsection, the Commission shall prescribe rules and regulations concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber.”.

SEC. 14. CABLE CHANNELS FOR COMMERCIAL USE.

(a) RATES, TERMS, AND CONDITIONS.—Section 612(c) of the Communications Act of 1934 (47 U.S.C. 532(c)) is amended—

(1) by striking “consistent with the purpose of this section” in paragraph (1) and inserting “consistent with regulations prescribed by the Commission under paragraph (4)”; and

(2) by adding at the end thereof the following new paragraph:

“(4) The Commission shall, not later than 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, by regulation establish—

“(A) a formula to determine the maximum rates which a cable operator may establish under paragraph (1) of this subsection;

“(B) standards concerning the terms and conditions which may be so established; and

“(C) standards concerning methods for collection and billing for commercial use of channel capacity made available under this section.”.

(b) ACCESS FOR MINORITY PROGRAMMING SOURCES.—Section 612 of such Act is further amended by adding at the end thereof the following new subsection:

“(i)(1) Notwithstanding the provisions of subsections (b) and (c), a cable operator required by this section to designate channel capacity for commercial use may use any such channel capacity for the provision of programming from a qualified minority programming source, whether or not such source is affiliated with the cable operator. The channel capacity used to provide programming from a qualified minority programming source pursuant to this subsection may not exceed 33 percent of the channel capacity designated pursuant to this section. No programming provided over a cable system on July 1, 1990, may qualify as minority programming on that cable system under this subsection.

“(2) For purposes of this subsection, the term ‘qualified minority programming source’ means a programming source which devotes significantly all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned, as the term ‘minority’ is defined in section 309(i)(3)(C)(ii) of this Act.”.

SEC. 15. THEFT OF CABLE SERVICE.

Section 633(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended—

(1) in paragraph (2)—

(A) by striking “\$25,000” and inserting “\$50,000”;

(B) by striking “1 year” and inserting “2 years”;

(C) by striking “\$50,000” and inserting “\$100,000”; and

(D) by striking “2 years” and inserting “5 years”;

(2) by adding at the end thereof the following new paragraph:

“(3) For purposes of all penalties and remedies established for violations of subsection (a)(1), the prohibited activity established herein as it applies to each such device shall be deemed a separate violation.”.

SEC. 16. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding after section 624 the following new section:

“SEC. 624A. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

“(a) FINDINGS.—The Congress finds that—

“(1) new and recent models of television receivers and video cassette recorders often contain premium features and functions that are disabled or inhibited because of cable scrambling, encoding, or encryption technologies and devices, including converter boxes and remote control devices required by cable operators to receive programming;

“(2) if this incompatibility is not resolved, consumers will be less likely to purchase, and electronics equipment manufacturers will be less likely to develop, manufacture, or offer for sale, television receivers and video cassette recorders with new and innovative features and functions; and

“(3) cable system operators and electronics equipment manufacturers should, to the extent possible, develop technologies that will prevent signal thefts while permitting consumers to benefit from premium features and functions in such receivers and recorders.

“(b) RULEMAKING REQUIRED.—Within one year after the date of enactment of this section, the Commission shall prescribe such regulations as are necessary—

“(1) to ensure that the signals a cable system transmits to subscribers are compatible with all operational functions of cable-ready television receivers and video cassette recorders, taking into account the need for cable operators to protect their signals against unauthorized reception;

“(2) to prohibit cable operators from scrambling or otherwise encrypting any local broadcast signal in any manner that interferes with or nullifies the special functions of subscribers’ televisions or video cassette recorders, including functions that permit the subscriber—

“(A) to watch a program on one channel while simultaneously using a video cassette recorder to tape a different program on another channel;

“(B) to use a video cassette recorder to tape two consecutive programs that appear on different channels; or

“(C) to use advanced television picture generation and display feature;

“(3) to promote the commercial availability, from cable operators and retail vendors that are not affiliated with cable systems, of converters and of remote control devices compatible with converters;

“(4) to require a cable operator who offers subscribers the option of renting a remote control unit—

“(A) to notify subscribers that they may purchase a commercially available remote control device from any source that sells such devices rather than renting it from the cable operator; and

“(B) to specify the types of remote control units that are compatible with the converter box supplied by the cable operator;

“(5) to prohibit a cable operator from taking any action that prevents or in any way disables the converter box supplied by the cable operator from operating compatibly with commercially available remote control units; and

“(6) to establish technical standards and labeling requirements for television receivers and video cassette recorders that are marketed as ‘cable-ready’, such standards and labeling requirements to include information disclosing that all features of ‘cable ready’ television receivers and video cassette recorders may not be compatible with all cable systems.

“(c) EXCEPTION.—The regulations required by subsection (b)(1) may, if necessary to protect against the theft of cable service, permit a cable operator to scramble or otherwise encrypt video programming in accordance with such standards as the Commission

shall prescribe consistent with the findings contained in subsection (a) of this section.

"(d) REVIEW OF REGULATIONS.—The Commission shall periodically review and, if necessary, modify the regulations issued pursuant to this section in light of any actions taken in response to regulations issued under subsection (e) and to reflect improvements and changes in cable systems, television receivers, video cassette recorders, and similar technology.

"(e) COMPATIBLE INTERFACES.—Within one year after the date of enactment of this section, the Commission, in consultation with representatives of the cable industry and the consumer electronics industry, shall report to the Congress on means of assuring compatibility between televisions and video cassette recorders and cable systems so that cable subscribers will be able to enjoy the full benefit of both the programming available on cable systems and the functions available on their televisions and video cassette recorders. Within 2 years after the date of enactment of this section, the Commission shall issue regulations as may be necessary to require the use of interfaces that assure such compatibility.

"(f) FEASIBILITY AND COST.—The Commission shall adopt standards under this section that are technologically and economically feasible. In determining the feasibility of such standards, the Commission shall take into account the cost and benefit to cable subscribers of such standards."

SEC. 17. STUDIES.

(a) STUDY OF VIDEO PROGRAMMING DIVERSITY AND COMPETITION.—

(1) COMMISSION STUDY.—The Commission shall conduct a review and study to determine whether it is necessary or appropriate in the public interest to prohibit or constrain acts and practices that may unreasonably restrict diversity and competition in the market for video programming. In conducting such review and study, the Commission shall consider the necessity and appropriateness of—

(A) imposing limitations on the degree to which multichannel video programming distributors may engage in the creation or production of such programming; and

(B) imposing limitations on the proportion of the market, at any stage in the distribution of video programming, which may be controlled by any multichannel video programming distributor or other person engaged in such distribution.

(2) REPORT.—Within one year after the date of enactment of this Act, the Commission shall submit a report on the review and study required by paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Thereafter, the Commission shall continue to monitor (and summarize in the Commission's annual reports) the status of diversity and competition in the marketplace for video programming.

(b) STUDY OF PROGRAMMING MARKET.—On or before January 1, 1996, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effects of exclusive licensing arrangements for video programming on competition between classes of multichannel video system operators. The Commission shall evaluate whether grantors or holders of exclusive licensing arrangements for video programming discriminate against classes of multichannel video system operators in a manner that deprives the public of access to diverse sources of programming. Such report shall include such recommendations for legislation as the Commission deems appropriate.

(c) PROCEEDING WITH RESPECT TO AREAS RECEIVING POOR OVER-THE-AIR SIGNALS.—The Federal Communications Commission shall initiate an inquiry and rulemaking to examine the feasibility of providing access to network and independent broadcasting station signals to persons who subscribe to direct broadcast satellite service and are unable to receive such signals (of grade B quality) over the air from a local licensee, or from a cable system. In undertaking such rulemaking, the Commission shall take into consideration pertinent economic and technological factors, including the following:

(1) the extent to which individuals in rural, underserved areas are unable to receive broadcast television transmission; and

(2) potential ways in which operators of satellite-delivered programming services or the manufacturers or distributors of receiving equipment might enhance the ability of such persons to receive and readily access additional video distribution, including without limitation, an electronic switching capability as a minimum feature on satellite television receiving equipment.

(d) STUDY OF LOW-POWER TELEVISION.—

(1) STUDY REQUIRED.—Within 12 months after enactment of this Act, the Federal Communications Commission shall prepare and submit to the Congress a report on whether, and under what conditions, low power television stations (as defined in section 74.701(f) of title 47, Code of Federal Regulations, or any successor regulations thereto) which provide local origination programming should be entitled to carriage on cable systems whose service area encompasses the service area to which a low power television station is licensed.

(2) PUBLIC COMMENT; FACTORS FOR CONSIDERATION.—In preparing its report, the Commission shall provide an opportunity for public comment and take into account—

(A) whether and how many low power television stations provide local program services which serve the public interest, convenience and necessity;

(B) the status of low power television as a secondary service;

(C) the impact of carriage of low power television stations on the availability of channels for future communications needs;

(D) the burden on cable systems of carriage of low power television stations, the propriety of imposing such a burden, and any technical considerations relating to providing carriage limited only to the low power television station's community of license; and

(E) the extent of the burden presently imposed upon low power television stations as a result of charges for carriage imposed on stations by cable systems.

SEC. 18. EFFECTIVE DATE.

Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the enactment of this Act.

It was decided in the } Yeas 144
negative } Nays 266

88.37 [Roll No. 312] AYES—144

- Allard, Campbell, Dreier, Allen, Campbell (CA), Duncan, Andrews (NJ), Campbell (CO), Edwards (OK), Archer, Chandler, Emerson, Arney, Clinger, Ewing, Baker, Coble, Fawell, Ballenger, Combest, Fields, Barnard, Cox (CA), Fish, Barrett, Crane, Franks (CT), Bentley, Cunningham, Gallegly, Bilirakis, Dannemeyer, Gallo, Biley, Darden, Gekas, Boehner, Davis, Gillmor, Broomfield, DeLay, Gingrich, Burton, Doolittle, Goodling, Callahan, Dornan (CA), Goss

- Gradison, Martin, Riggs, Green, McCandless, Rinaldo, Gunderson, McCollum, Ritter, Hall (OH), McCrery, Rogers, Hammerschmidt, McDade, Rohrabacher, Hancock, McEwen, Ros-Lehtinen, Hastert, McMillan (NC), Roth, Hefley, Michel, Roukema, Herger, Miller (OH), Santorum, Hobson, Miller (WA), Saxton, Holloway, Molinari, Schaefer, Hopkins, Moorhead, Schiff, Horton, Morrison, Schroeder, Houghton, Myers, Shaw, Hunter, Nichols, Shuster, Inhofe, Nussle, Smith (IA), Ireland, Olin, Smith (NJ), James, Orton, Smith (OR), Johnson (CT), Oxley, Smith (TX), Johnson (TX), Packard, Spence, Johnston, Parker, Stearns, Klug, Pastor, Stump, Kolbe, Paxon, Taylor (NC), Kyl, Payne (VA), Thomas (CA), Lagomarsino, Penny, Towns, Lent, Pickett, Upton, Lewis (CA), Porter, Vander Jagt, Lewis (FL), Pursell, Walker, Livingston, Quillen, Weldon, Lowery (CA), Regula, Young (AK), Luken, Rhodes, Zeliff, Marlenee, Ridge, Zimmer

NOES—266

- Abercrombie, Durbin, Lehman (CA), Ackerman, Dwyer, Levin (MI), Alexander, Early, Lewis (GA), Anderson, Eckart, Lightfoot, Andrews (ME), Edwards (CA), Lipinski, Andrews (TX), Edwards (TX), Lloyd, Annunzio, Engel, Long, Anthony, English, Lowey (NY), Applegate, Erdreich, Machtley, Aspin, Espy, Manton, Atkins, Evans, Markey, AuCoin, Fascell, Martinez, Bacchus, Fazio, Matsui, Barton, Flake, Mavroules, Bateman, Foglietta, Mazzoli, Beilenson, Ford (MI), McCloskey, Bennett, Ford (TN), McCurdy, Bereuter, Frank (MA), McDermott, Berman, Gaydos, McGrath, Bevill, Gejdenson, McHugh, Bilbray, Gephardt, McMillen (MD), Blackwell, Geren, McNulty, Boehlert, Gibbons, Meyers, Bonior, Gilchrest, Mfume, Borski, Gilman, Miller (CA), Boucher, Glickman, Mink, Boxer, Gonzalez, Moakley, Brewster, Gordon, Mollohan, Brooks, Grandy, Montgomery, Browder, Guarini, Moody, Brown, Hall (TX), Morella, Bruce, Hamilton, Mrazek, Bryant, Harris, Murphy, Bunning, Hayes (IL), Murtha, Bustamante, Hayes (LA), Nagle, Byron, Hefner, Natcher, Cardin, Henry, Neal (MA), Carper, Hertel, Neal (NC), Carr, Hoagland, Nowak, Chapman, Hochbrueckner, Oakar, Clay, Horn, Oberstar, Clement, Hoyer, Olver, Coleman (MO), Hubbard, Ortiz, Coleman (TX), Huckaby, Owens (NY), Collins (IL), Hughes, Owens (UT), Collins (MI), Hutto, Pallone, Condit, Jacobs, Panetta, Conyers, Jefferson, Patterson, Cooper, Jenkins, Payne (NJ), Costello, Johnson (SD), Pease, Cox (IL), Jones (GA), Pelosi, Coyne, Jontz, Kanjorski, Cramer, de la Garza, Kaptur, DeFazio, Kasich, DeLauro, Kennedy, Pickle, Dellums, Kennelly, Poshard, Derrick, Kildee, Price, Dickinson, Kleczka, Rahall, Dicks, Kopetski, Ramstad, Dingell, Kostmayer, Rangel, Dixon, LaFalce, Ravenel, Donnelly, Lancaster, Reed, Dooley, Lantos, Richardson, Dorgan (ND), LaRocco, Roberts, Downey, Leach, Roe

Roemer	Skelton	Traficant
Rose	Slattery	Unsoeld
Rostenkowski	Slaughter	Valentine
Rowland	Smith (FL)	Valento
Roybal	Snowe	Visclosky
Russo	Solomon	Volkmer
Sabo	Spratt	Vucanovich
Sanders	Staggers	Walsh
Sangmeister	Stallings	Washington
Sarpalius	Stark	Waters
Savage	Stenholm	Waxman
Sawyer	Stokes	Weiss
Scheuer	Studds	Wheat
Schulze	Sundquist	Whitten
Schumer	Swett	Williams
Sensenbrenner	Swift	Wise
Serrano	Synar	Wolf
Sharp	Tanner	Wolpe
Shays	Tauzin	Wyden
Sikorski	Taylor (MS)	Wyllie
Sisisky	Thornton	Yatron
Skaggs	Torres	Young (FL)
Skeen	Torricelli	

NOT VOTING—24

Coughlin	Kolter	Solarz
Dymally	Laughlin	Tallon
Feighan	Lehman (FL)	Thomas (GA)
Frost	Levine (CA)	Thomas (WY)
Hansen	Mineta	Traxler
Hatcher	Moran	Weber
Hyde	Peterson (FL)	Wilson
Jones (NC)	Ray	Yates

So the amendment in the nature of a substitute was not agreed to.

After some further time, The SPEAKER pro tempore, Mr. GEPHARDT, assumed the Chair.

When Mr. MFUME, Chairman, pursuant to House Resolution 523, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

Resolved, That the bill from the Senate (S. 12) entitled "An Act to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes", do pass with the following

AMENDMENTS:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS; DEFINITION.

(a) 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) Passage of the Cable Communications Policy Act of 1984 resulted in deregulation of rates for cable television services in approximately 97 percent of all franchises. A minority of cable operators have abused their deregulated status and their market power and have unreasonably raised cable subscriber

rates. The Federal Communications Commission's rules governing local rate regulation will not provide any protection for more than two-thirds of the nation's cable subscribers, and will not protect subscribers from unreasonable rates in those communities where the rules apply.

"(3) In order to protect consumers, it is necessary for the Congress to establish a means for local franchising authorities and the Federal Communications Commission to prevent cable operators from imposing rates upon consumers that are unreasonable.

"(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 1992; 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 to afford other means of receiving programming.

"(8) Because television broadcasters and cable television operators compete directly for the television viewing audience, for programming material, and for advertising revenue, in order to ensure that such competition is fair and operates to the benefit of consumers, the Federal interest requires that local broadcast stations be made available on cable systems.

"(9) Cable systems should be encouraged to carry low power television stations licensed to the communities served by those systems where the low power station creates and broadcasts, as a substantial part of its programming day, local programming.

"(10) Secure carriage and channel positioning on cable television systems are the most effective means through which off-air broadcast television can access cable subscribers.

In the absence of rules mandating carriage and channel positioning of broadcast television stations, some cable system operators have denied carriage or repositioned the carriage of some television stations.

"(11) Cable television systems and broadcast television stations increasingly compete for television advertising revenues and audience. A cable system has a direct financial interest in promoting those channels on which it sells advertising or owns programming. As a result, there is an economic incentive for cable systems to deny carriage to local broadcast signals, or to reposition broadcast signals to disadvantageous channel positions, or both. Absent reimposition of must carry and channel positioning requirements, such activity could occur, thereby threatening diversity, economic competition, and the Federal television broadcast allocation structure in local markets across the country.

"(12) Cable systems provide the most effective access to television households that subscribe to cable. As a result of the cable operator's provision of this access and the operator's economic incentives described in paragraph (11), negotiations between cable operators and local broadcast stations have not been an effective mechanism for securing carriage and channel positioning.

"(13) Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. A Government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the 'A/B' input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

"(14) At the same time, broadcast programming has proven to be the most popular programming on cable systems, and a substantial portion of the benefits for which consumers pay cable systems is derived from carriage of local broadcast signals. Also, cable programming placed on channels adjacent to popular off-the-air signals obtains a larger audience than on other channel positions. Cable systems, therefore, obtain great benefits from carriage of local broadcast signals which, until now, they have been able to obtain without the consent of the broadcaster. This has resulted in an effective subsidy of the development of cable systems by local broadcasters. While at one time, when cable systems did not attempt to compete with local broadcasters, this subsidy may have been appropriate, it is no longer and results in a competitive imbalance between the two industries."

(b) DEFINITION.—Section 602 of the Communications Act of 1934 (47 U.S.C. 522) is amended—

(1) by redesignating paragraphs (11) through (16) as paragraphs (12) through (17); and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) the term 'multichannel video programming distributor' means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming;"

SEC. 3. REQUIREMENTS FOR THE PROVISION AND REGULATION OF BASIC SERVICE TIER.

(a) AMENDMENT.—Section 623 of the Communications Act of 1934 is amended to read as follows:

"SEC. 623. REGULATION OF RATES.

"(a) COMPETITION PREFERENCE; LOCAL AND FEDERAL REGULATION.—

"(1) IN GENERAL.—No Federal agency or State may regulate the rates for the provision of cable service except to the extent provided under this section and section 612. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section. No Federal agency, State, or franchising authority may regulate the rates for cable service of a cable system that is owned or operated by a local government or franchising authority within whose jurisdiction that cable system is located and that is the only cable system located within such jurisdiction.

"(2) PREFERENCE FOR COMPETITION.—If the Commission finds that a cable system is subject to effective competition, the rates for the provision of cable service by such system shall not be subject to regulation by the Commission or by a State or franchising authority under this section. If the Commission finds that a cable system is not subject to effective competition—

"(A) the rates for the provision of basic cable service shall be subject to regulation by a franchising authority, or by the Commission if the Commission exercises jurisdiction pursuant to paragraph (6), in accordance with the regulations prescribed by the Commission under subsection (b) of this section; and

"(B) the rates for cable programming services shall be subject to regulation by the Commission under subsection (c) of this section.

"(3) QUALIFICATION OF FRANCHISING AUTHORITY.—A franchising authority that seeks to exercise the regulatory jurisdiction permitted under paragraph (2)(A) shall file with the Commission a written certification that—

"(A) the franchising authority will adopt and administer regulations with respect to the rates subject to regulation under this section that are consistent with the regulations prescribed by the Commission under subsection (b);

"(B) the franchising authority has the legal authority to adopt, and the personnel to administer, such regulations; and

"(C) procedural laws and regulations applicable to rate regulation proceedings by such authority provide a reasonable opportunity for consideration of the views of interested parties.

"(4) APPROVAL BY COMMISSION.—A certification filed by a franchising authority under paragraph (3) shall be effective 30 days after the date on which it is filed unless the Commission finds, after notice to the authority and a reasonable opportunity for the authority to comment, that—

"(A) the franchising authority has adopted or is administering regulations with respect to the rates subject to regulation under this section that are not consistent with the regulations prescribed by the Commission under subsection (b);

"(B) the franchising authority does not have the legal authority to adopt, or the personnel to administer, such regulations; or

"(C) procedural laws and regulations applicable to rate regulation proceedings by such authority do not provide a reasonable opportunity for consideration of the views of interested parties.

If the Commission disapproves a franchising authority's certification, the Commission shall notify the franchising authority of any revisions or modifications necessary to obtain approval.

"(5) REVOCATION OF JURISDICTION.—Upon petition by a cable operator or other inter-

ested party, the Commission shall review the regulation of cable system rates by a franchising authority under this subsection. A copy of the petition shall be provided to the franchising authority by the person filing the petition. If the Commission finds that the franchising authority has acted inconsistently with the requirements of this subsection, the Commission shall grant appropriate relief. If the Commission, after the franchising authority has had a reasonable opportunity to comment, determines that the State and local laws and regulations are not in conformance with the regulations prescribed by the Commission under subsection (b), the Commission shall revoke the jurisdiction of such authority.

"(6) EXERCISE OF JURISDICTION BY COMMISSION.—If the Commission disapproves a franchising authority's certification under paragraph (4), or revokes such authority's jurisdiction under paragraph (5), the Commission shall exercise the franchising authority's regulatory jurisdiction under paragraph (2)(A) until the franchising authority has qualified to exercise that jurisdiction by filing a new certification that meets the requirements of paragraph (3). Such new certification shall be effective upon approval by the Commission. The Commission shall act to approve or disapprove any such new certification within 90 days after the date it is filed.

"(b) ESTABLISHMENT OF BASIC SERVICE TIER RATE LIMITATIONS.—

"(1) COMMISSION REGULATIONS.—Within 120 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish the following:

"(A) BASIC SERVICE TIER RATES.—A formula to establish the maximum price of the basic service tier, which formula shall take into account—

"(i) the number of signals carried on the basic service tier;

"(ii) the direct costs (if any) of obtaining, transmitting, and otherwise providing such signals, including signals and services carried on the basic service tier pursuant to paragraph (2)(B), and changes in such costs;

"(iii) such portion of the joint and common costs of the cable operator as is determined, in accordance with regulations prescribed by the Commission, to be properly allocable to obtaining, transmitting, and otherwise providing such signals, and changes in such costs;

"(iv) a reasonable profit (as defined by the Commission) on the provision of the basic service tier;

"(v) rates for comparable cable systems, if any, that are subject to effective competition and that offer comparable services, taking into account, among other factors, similarities in facilities, the number of cable channels, the number of cable subscribers, and local conditions;

"(vi) any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any other fee, tax, or assessment of general applicability imposed by a governmental entity applied against cable operators or cable subscribers; and

"(vii) any amount required, in accordance with subparagraph (C), to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels or any other services required under the franchise.

"(B) EQUIPMENT.—A formula to establish, on the basis of actual cost, the price or rate for—

"(i) installation and lease of the equipment necessary for subscribers to receive the basic service tier, including a converter box and a remote control unit and, if requested by the

subscriber, such addressable converter box or other equipment as is required to access programming described in paragraph (3); and

"(ii) installation and monthly use of connections for additional television receivers.

"(C) COSTS OF FRANCHISE REQUIREMENTS.—A formula to identify and allocate costs attributable to satisfying franchise requirements to support public, educational, and governmental channels or the use of such channels or any other services required under the franchise.

"(D) IMPLEMENTATION AND ENFORCEMENT.—Additional standards, guidelines, and procedures concerning the implementation and enforcement of the regulations prescribed by the Commission under this subsection, which shall include—

"(i) procedures by which cable operators may implement and franchising authorities may enforce the administration of the formulas, standards, guidelines, and procedures established by the Commission under this subsection;

"(ii) procedures for the expeditious resolution of disputes between cable operators and franchising authorities concerning the administration of such formulas, standards, guidelines, and procedures;

"(iii) standards and procedures to prevent unreasonable charges for changes in the subscriber's selection of services or equipment subject to regulation under this section, which standards shall require that charges for changing the service tier selected shall be based on the cost of such change and shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method; and

"(iv) standards and procedures to assure that subscribers receive notice of the availability of the basic service tier required under this section.

"(E) NOTICE.—The procedures prescribed by the Commission pursuant to subparagraph (D)(i) shall require a cable operator to provide 30 days advance notice to a franchising authority of any increase of more than 5 percent proposed in the price to be charged for the basic service tier.

"(F) EFFECTIVE DATES.—An effective date or dates for compliance with the formulas, standards, guidelines, and procedures established under this subsection.

"(2) COMPONENTS OF BASIC TIER SUBJECT TO RATE REGULATION.—

"(A) MINIMUM CONTENTS.—Each cable operator of a cable system shall provide its subscribers a separately available basic service tier to which the rates prescribed under paragraph (1) shall apply and to which subscription is required for access to any other tier of service. Such basic service tier shall, at a minimum, consist of the following:

"(i) All signals carried in fulfillment of the requirements of sections 614 and 615.

"(ii) Any public, educational, and governmental access programming required by the franchise of the cable system to be provided to subscribers.

"(iii) Any signal of any broadcast station that is provided by the cable operator to any subscriber.

"(B) PERMITTED ADDITIONS TO BASIC TIER.—A cable operator may add additional video programming signals or services to the basic service tier. Any such additional signals or services provided on the basic service tier shall be provided to subscribers at rates determined under paragraph (1)(A).

"(3) BUY-THROUGH OF OTHER TIERS PROHIBITED.—

"(A) PROHIBITION.—A cable operator may not require the subscription to any tier other than the basic service tier required by paragraph (2) as a condition of access to video programming offered on a per channel

or per program basis. A cable operator may not discriminate between subscribers to the basic service tier and other subscribers with regard to the rates charged for video programming offered on a per channel or per program basis.

“(B) EXCEPTION; LIMITATION.—The prohibition in subparagraph (A) shall not apply to a cable system that, by reason of the lack of addressable converter boxes or other technological limitations, does not permit the operator to offer programming on a per channel or per program basis in the same manner required by subparagraph (A). This subparagraph shall not be available to any cable operator after—

“(i) the technology utilized by the cable system is modified or improved in a way that eliminates such technological limitation; or

“(ii) 5 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, subject to subparagraph (C).

“(C) STUDY; EXTENSION OF LIMITATION.—(i) The Commission shall, within 4 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, initiate a proceeding to consider (I) the benefits to consumers of subparagraph (A), (II) whether the cable operators or consumers are being forced (or would be forced) to incur unreasonable costs for complying with subparagraph (A), and (III) the effect of subparagraph (A) on the provision of diverse programming sources to cable subscribers.

“(ii) If, in the proceeding required by clause (i), the Commission determines that subparagraph (A) imposes unreasonable costs on cable operators or cable subscribers, the Commission may extend the 5-year period provided in subparagraph (B)(ii) for 2 additional years.

“(4) NOTICE OF FEES, TAXES, AND OTHER CHARGES.—Each cable operator may identify, in accordance with the formulas required by clauses (vi) and (vii) of paragraph (1)(A), as a separate line item on each regular bill of each subscriber, each of the following:

“(A) the amount of the total bill assessed as a franchise fee and the identity of the authority to which the fee is paid;

“(B) the amount of the total bill assessed to satisfy any requirements imposed on the operator by the franchise agreement to support public, educational, or governmental channels or the use of such channels; and

“(C) any other fee, tax, assessment, or charge of any kind imposed on the transaction between the operator and the subscriber.

“(c) REGULATION OF UNREASONABLE RATES.—

“(1) COMMISSION REGULATIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish the following:

“(A) criteria prescribed in accordance with paragraph (2) for identifying, in individual cases, rates for cable programming services that are unreasonable;

“(B) fair and expeditious procedures for the receipt, consideration, and resolution of complaints from any franchising authority or other relevant State or local government entity alleging that a rate for cable programming services charged by a cable operator violates the criteria prescribed under subparagraph (A), which procedures shall set forth the minimum showing that shall be required for a complaint to establish a prima facie case that the rate in question is unreasonable; and

“(C) the procedures to be used to reduce rates for cable programming services that are determined by the Commission to be unreasonable and to refund such portion of the rates or charges that were paid by subscri-

ers after the filing of such complaint and that are determined to be unreasonable.

“(2) FACTORS TO BE CONSIDERED.—In establishing the criteria for determining in individual cases whether rates for cable programming services are unreasonable under paragraph (1)(A), the Commission shall consider, among other factors—

“(A) the rates for similarly situated cable systems offering comparable cable programming services, taking into account similarities in facilities, regulatory and governmental costs, the number of subscribers, and other relevant factors;

“(B) the rates for comparable cable systems, if any, that are subject to effective competition and that offer comparable services, taking into account, among other factors, similarities in facilities, the number of cable channels, the number of cable subscribers, and local conditions;

“(C) the history of the rates for cable programming services of the system, including the relationship of such rates to changes in general consumer prices;

“(D) the rates, as a whole, for all the cable programming, equipment, and services provided by the system;

“(E) capital and operating costs of the cable system, including costs of obtaining video signals and services;

“(F) the quality and costs of the customer service provided by the cable system; and

“(G) the revenues (if any) received by a cable operator from advertising from programming that is carried as part of the service for which a rate is being established, and changes in such revenues.

“(3) LIMITATION ON COMPLAINTS CONCERNING EXISTING RATES.—On and after 180 days after the effective date of the regulations prescribed by the Commission under paragraph (1), the procedures established under subparagraph (B) of such paragraph shall be available only with respect to complaints filed within a reasonable period of time following a change in rates that is initiated after that effective date.

“(d) REGULATION OF PAY-PER-VIEW CHARGES FOR CHAMPIONSHIP SPORTING EVENTS.—A State or franchising authority may, without regard to the regulations prescribed by the Commission under subsections (b) and (c), regulate any per-program rates charged by a cable operator for any video programming that consists of the national championship game or games between professional teams in baseball, basketball, football, or hockey.

“(e) DISCRIMINATION; SERVICES FOR THE HEARING IMPAIRED.—Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority from—

“(1) prohibiting discrimination among customers of basic service, except that no Federal agency, State, or franchising authority may prohibit a cable operator from offering reasonable discounts to senior citizens or other economically disadvantaged group discounts; or

“(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

“(f) NEGATIVE OPTION BILLING PROHIBITED.—A cable operator shall not charge a subscriber for any individually-priced channel of video programming or for any pay-per-view video programming that the subscriber has not affirmatively requested. For purposes of this subsection, a subscriber's failure to refuse a cable operator's proposal to provide such channel or programming shall not be deemed to be an affirmative request for such programming.

“(g) REVIEW OF FINANCIAL INFORMATION.—

“(1) COLLECTION OF INFORMATION.—The Commission shall, by regulation, require

cable operators to file, within 60 days after the effective date of the regulations prescribed under subsection (c)(1) and annually thereafter, such financial information as may be needed for purposes of administering and enforcing this section.

“(2) CONGRESSIONAL REPORT.—The Commission shall submit to each House of the Congress, by January 1, 1994, a report on the financial condition, profitability, rates, and performance of the cable industry. Such report shall include such recommendations as the Commission considers appropriate in light of such information. Such report also shall address the availability of discounts for senior citizens and other economically disadvantaged groups.

“(h) PREVENTION OF EVASIONS.—Within 120 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall, by regulation, establish standards, guidelines, and procedures to prevent evasions of the rates, services, and other requirements of this section and shall, thereafter, periodically review and revise such standards, guidelines, and procedures.

“(i) SMALL SYSTEM BURDENS.—In developing and prescribing regulations pursuant to this section, the Commission shall design such regulations to reduce the administrative burdens and cost of compliance for cable systems that have 1,000 or fewer subscribers.

“(j) RATE REGULATION AGREEMENTS.—During the term of an agreement made before July 1, 1990, by a franchising authority and a cable operator providing for the regulation of basic cable service rates, where there was not effective competition under Commission rules in effect on that date, nothing in this section (or the regulations thereunder) shall abridge the ability of such franchising authority to regulate rates in accordance with such an agreement.

“(k) REPORTS ON AVERAGE PRICES.—The Commission shall publish quarterly statistical reports on the average rates for basic service and other cable programming, and for converter boxes, remote control units, and other equipment, of—

“(1) cable systems that the Commission has found are subject to effective competition under subsection (a)(2), compared with

“(2) cable systems that the Commission has found are not subject to such effective competition.

“(l) DEFINITIONS.—As used in this section—

“(1) The term ‘effective competition’ means that—

“(A) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system;

“(B) the franchise area is—

“(i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and

“(ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or

“(C) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area.

“(2) The term ‘cable programming service’ means any video programming provided over a cable system, regardless of service tier, other than (A) video programming carried on the basic service tier, and (B) video programming offered on a per channel or per program basis.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall take effect 120 days after the date of enact-

ment of this Act, except that the authority of the Federal Communications Commission to prescribe regulations is effective on such date of enactment.

SEC. 4. MULTIPLE FRANCHISES.

(a) UNREASONABLE REFUSALS TO FRANCHISE PROHIBITED.—Section 621(a) of the Communications Act of 1934 (47 U.S.C. 541(a)) is amended by adding at the end thereof the following:

“(4) A franchising authority shall not, in the awarding of franchises within its jurisdiction, grant an exclusive franchise, or unreasonably refuse to award additional franchises because of the previous award of a franchise to another cable operator. For purposes of this paragraph, refusal to award a franchise shall not be unreasonable if, for example, such refusal is on the ground—

“(A) of technical infeasibility;

“(B) of inadequate assurance that the cable operator will provide adequate public, educational and governmental access channel capacity, facilities, or financial support;

“(C) of inadequate assurance that the cable operator will, within a reasonable period of time, provide universal service throughout the entire franchise area under the jurisdiction of the franchising authority;

“(D) that such award would interfere with the right of the franchising authority to deny renewal; or

“(E) of inadequate assurance that the cable operator has the financial, technical, or legal qualifications to provide cable service.

“(5) Nothing in this subsection shall be construed as limiting the authority of local governments to assess fees or taxes for access to public rights of way.”.

(b) MUNICIPAL AUTHORITIES PERMITTED TO OPERATE SYSTEMS.—Section 621 of the Communications Act of 1934 (47 U.S.C. 541) is amended—

(1) by inserting “and subsection (f)” before the comma in subsection (b)(1); and

(2) by adding at the end the following new subsection:

“(f) No provision of this Act shall be construed to—

“(1) prohibit a local or municipal authority that is also, or is affiliated with, a franchising authority from operating as a multi-channel video programming distributor in the geographic areas within the jurisdiction of such franchising authority, notwithstanding the granting of one or more franchises by such franchising authority, or

“(2) require such local or municipal authority to secure a franchise to operate as a multichannel video programming distributor.”.

(c) CLARIFICATION OF LOCAL AUTHORITY TO REGULATE OWNERSHIP.—Section 613(d) of the Communications Act of 1934 (47 U.S.C. 533(d)) is amended—

(1) by striking “any media” and inserting “any other media”; and

(2) by adding after the period at the end thereof the following: “Nothing in this section shall be construed to prevent any State or franchising authority from prohibiting the ownership or control of a cable system in a jurisdiction by any person (1) because of such person’s ownership or control of any other cable system in such jurisdiction; or (2) in circumstances in which the State or franchising authority determines that the acquisition of such a cable system may eliminate or reduce competition in the delivery of cable service in such jurisdiction.”.

(d) LEASE/BUY-BACK AUTHORITY.—Section 613(b)(2) of the Communications Act of 1934 (47 U.S.C. 533(b)(2)) is amended by adding at the end the following: “This paragraph shall not prohibit a common carrier from providing multiple channels of communication to an entity pursuant to a lease agreement under which the carrier retains, consistent

with section 616, an option to purchase such entity upon the taking effect of an amendment to this section that permits common carriers generally to provide video programming directly to subscribers in such carrier’s telephone service area.”.

SEC. 5. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

Part II of title VI of the Communications Act of 1934 (47 U.S.C. 531 et seq.) is amended by inserting after section 613 the following new section:

“SEC. 614. CARRIAGE OF LOCAL COMMERCIAL TELEVISION SIGNALS.

“(a) CARRIAGE OBLIGATIONS.—Each cable operator shall carry, on the cable system of that operator, the signals of local commercial television stations as provided by the following provisions of this section. Carriage of additional broadcast television signals on such system shall be at the discretion of such operator.

“(b) SIGNALS REQUIRED.—

“(1) IN GENERAL.—(A) A cable operator of a cable system with 12 or fewer usable activated channels shall carry the signals of at least three local commercial television stations, except that if such a system has 300 or fewer subscribers, it shall not be subject to any requirements under this section so long as such system does not delete from carriage by that system any signal of a broadcast television station.

“(B) A cable operator of a cable system with more than 12 usable activated channels shall carry the signals of local commercial television stations up to one third of the aggregate number of usable activated channels of such system.

“(2) SELECTION OF SIGNALS.—Whenever the number of local commercial television stations exceeds the maximum number of signals a cable system is required to carry under paragraph (1), the cable operator shall have discretion in selecting which such stations shall be carried on its cable system, except that if the cable operator elects to carry an affiliate of a broadcast network (as such term is defined by the Commission by regulation), such cable operator shall carry the affiliate of such broadcast network whose city of license reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (in effect on January 1, 1991), or any successor regulation thereto, is closest to the principal headend of the cable system.

“(3) CONTENT TO BE CARRIED.—(A) A cable operator shall carry in its entirety, on the cable system of that operator, the primary video, accompanying audio, and line 21 closed caption transmission of each of the local commercial television stations carried on the cable system and, to the extent technically feasible, program-related material carried in the vertical blanking interval or on subcarriers. Retransmission of other material in the vertical blanking interval or other nonprogram-related material (including teletext and other subscription and advertiser-supported information services) shall be at the discretion of the cable operator. Where appropriate and feasible, operators may delete signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the system headend or headends.

“(B) The cable operator shall carry the entirety of the program schedule of any television station carried on the cable system unless carriage of specific programming is prohibited, and other programming authorized to be substituted, under section 76.67 or subpart F of part 76 of title 47, Code of Federal Regulations (as in effect on January 1, 1991), or any successor regulations thereto.

“(4) SIGNAL QUALITY.—

“(A) NONDEGRADATION; TECHNICAL SPECIFICATIONS.—The signals of local commercial

television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal.

“(B) ADVANCED TELEVISION.—At such time as the Commission prescribes modifications of the standards for television broadcast signals, the Commission shall initiate a proceeding to establish any changes in the signal carriage requirements of cable television systems necessary to ensure cable carriage of such broadcast signals of local commercial television stations which have been changed to conform with such modified standards.

“(5) DUPLICATION NOT REQUIRED.—Notwithstanding paragraph (1), a cable operator shall not be required to carry the signal of any local commercial television station that substantially duplicates the signal of another local commercial television station which is carried on its cable system, or to carry the signals of more than one local commercial television station affiliated with a particular broadcast network (as such term is defined by regulation). If a cable operator elects to carry on its cable system a signal which substantially duplicates the signal of another local commercial television station carried on the cable system, or to carry on its system the signals of more than one local commercial television station affiliated with a particular broadcast network, all such signals shall be counted toward the number of signals the operator is required to carry under paragraph (1).

“(6) CHANNEL POSITIONING.—Each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the local commercial television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, or on the channel on which it was carried on January 1, 1992, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator. Any dispute regarding the positioning of a local commercial television station shall be resolved by the Commission.

“(7) SIGNAL AVAILABILITY.—Signals carried in fulfillment of the requirements of this section shall be provided to every subscriber of a cable system. Such signals shall be viewable via cable on all television receivers of a subscriber which are connected to a cable system by a cable operator or for which a cable operator provides a connection. If a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers at rates in accordance with section 623(b)(1)(B).

“(8) IDENTIFICATION OF SIGNALS CARRIED.—A cable operator shall identify, upon request by any person, the signals carried on its system in fulfillment of the requirements of this section.

“(9) NOTIFICATION.—A cable operator shall provide written notice to a local commercial television station at least 30 days prior to either deleting from carriage or repositioning that station. No deletion or repositioning of a local commercial television station shall occur during a period in which major tele-

vision ratings services measure the size of audiences of local television stations. The notification provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

“(10) COMPENSATION FOR CARRIAGE.—A cable operator shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local commercial television stations in fulfillment of the requirements of this section or for the channel positioning rights provided to such stations under this section, except that—

“(A) any such station may be required to bear the costs associated with delivering a good quality signal to the headend of the cable system;

“(B) a cable operator may accept payments from stations which would be considered distant signals under section 111 of title 17, United States Code, as reimbursement for the incremental copyright costs assessed against such cable operator for carriage of such signal; and

“(C) a cable operator may continue to accept monetary payment or other valuable consideration in exchange for carriage or channel positioning of the signal of any local commercial television station carried in fulfillment of the requirements of this section, through, but not beyond, the date of expiration of an agreement thereon between a cable operator and a local commercial television station entered into prior to June 26, 1990.

“(c) REMEDIES.—

“(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a local commercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or has otherwise failed to comply with the channel positioning or repositioning or other requirements of this section. The cable operator shall, within 30 days of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning and other requirements of this section. A local commercial television station that is denied carriage or channel positioning or repositioning in accordance with this section by a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

“(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

“(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall order the cable operator to reposition the complaining station or, in the case of an obligation to carry a station, to commence carriage of the station and to continue such carriage for at least 12 months. If the Commission determines that the cable operator has fully met the requirements of this section, it shall dismiss the complaint.

“(d) INPUT SELECTOR SWITCH RULES ABOLISHED.—No cable operator shall be required—

“(1) to provide or make available any input selector switch as defined in section 76.5(mm) of title 47, Code of Federal Regulations, or any comparable device, or

“(2) to provide information to subscribers about input selector switches or comparable devices.

“(e) REGULATIONS BY COMMISSION.—Within 180 days after the date of enactment of this section, the Commission shall, following a rulemaking proceeding, issue regulations implementing the requirements imposed by this section. Such implementing regulations shall include necessary revisions to update section 76.51 of the Commission's regulations (47 C.F.R. 76.51).

“(f) SALES PRESENTATIONS AND PROGRAM LENGTH COMMERCIALS.—Nothing in this Act shall require a cable operator to carry on any tier, or prohibit a cable operator from carrying on any tier, the signal of any commercial television station or video programming service that is predominantly utilized for the transmission of sales presentations or program length commercials.

“(g) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to modify or otherwise affect title 17, United States Code.

“(h) DEFINITION.—

“(1) LOCAL COMMERCIAL TELEVISION STATION.—For purposes of this section, the term ‘local commercial television station’ means any television broadcast station, determined by the Commission to be a commercial station, licensed and operating on a channel regularly assigned to its community by the Commission that, with respect to a particular cable system, is within the same television market as the cable system. If such a television broadcast station—

“(A) would be considered a distant signal under section 111 of title 17, United States Code, it shall be deemed to be a local commercial television station for purposes of this section upon agreement to indemnify the cable operator for the increased copyright liability as a result of being carried on the cable system; or

“(B) does not deliver to the principal headend of a cable system either a signal level of -45dBm for UHF signals or -49dBm for VHF signals at the input terminals of the signal processing equipment, it shall be responsible for the costs of delivering to the cable system a signal of good quality or a baseband video signal.

“(2) EXCLUSIONS.—The term ‘local commercial television station’ shall not include low power television stations, television translator stations, and passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations, or any successor regulations thereto.

“(3) MARKET DETERMINATIONS.—(A) For purposes of this section, a broadcasting station's market shall be determined in the manner provided in section 73.3555(d)(3)(i) of title 47, Code of Federal Regulations, as in effect on May 1, 1991, except that, following a written request, the Commission may, with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section. In considering such requests, the Commission may determine that particular communities are part of more than one television market.

“(B) In considering requests filed pursuant to subparagraph (A), the Commission shall afford particular attention to the value of localism by taking into account such factors as—

“(i) whether the station, or other stations located in the same area, have been histori-

cally carried on the cable system or systems within such community;

“(ii) whether the television station provides coverage or other local service to such community;

“(iii) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and

“(iv) evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.

“(C) A cable operator shall not delete from carriage the signal of a commercial television station during the pendency of any proceeding pursuant to this paragraph.

“(D) In the rulemaking proceeding required by subsection (e), the Commission shall provide for expedited consideration of requests filed under this subsection.”

SEC. 6. CARRIAGE OF NONCOMMERCIAL STATIONS.

Part II of title VI of the Communications Act of 1934 (47 U.S.C. 531 et seq.) is further amended by inserting after section 614, as added by section 4, the following new section:

“SEC. 615. CARRIAGE OF NONCOMMERCIAL EDUCATIONAL TELEVISION.

“(a) CARRIAGE OBLIGATIONS.—In addition to the carriage requirements set forth in section 614, each cable operator of a cable system shall carry the signals of qualified noncommercial educational television stations in accordance with the provisions of this section.

“(b) REQUIREMENTS TO CARRY QUALIFIED STATIONS.—

“(1) GENERAL REQUIREMENT TO CARRY EACH QUALIFIED STATION.—Subject to paragraphs (2) and (3) and subsection (e), each cable operator shall carry, on the cable system of that cable operator, any qualified local noncommercial educational television station requesting carriage.

“(2)(A) SYSTEMS WITH 12 OR FEWER CHANNELS.—Notwithstanding paragraph (1), a cable operator of a cable system with 12 or fewer usable activated channels shall be required to carry the signal of one qualified local noncommercial educational television station; except that a cable operator of such a system shall comply with subsection (c) and may, in its discretion, carry the signals of other qualified noncommercial educational television stations.

“(B) In the case of a cable system described in subparagraph (A) which operates beyond the presence of any qualified local noncommercial educational television station—

“(i) the cable operator shall carry on that system the signal of one qualified noncommercial educational television station;

“(ii) the selection for carriage of such a signal shall be at the election of the cable operator; and

“(iii) in order to satisfy the requirements for carriage specified in this subsection, the cable operator of the system shall not be required to remove any other programming service actually provided to subscribers on March 29, 1990; except that such cable operator shall use the first channel available to satisfy the requirements of this subparagraph.

“(3) SYSTEMS WITH 13 TO 36 CHANNELS.—(A) Subject to subsection (c), a cable operator of a cable system with 13 to 36 usable activated channels—

“(i) shall carry the signal of at least one qualified local noncommercial educational television station but shall not be required to carry the signals of more than three such stations, and

“(ii) may, in its discretion, carry additional such stations.

“(B) In the case of a cable system described in this paragraph which operates beyond the presence of any qualified local noncommercial educational television station, the cable operator shall import the signal of at least one qualified noncommercial educational television station to comply with subparagraph (A) (i).

“(C) The cable operator of a cable system described in this paragraph which carries the signal of a qualified local noncommercial educational station affiliated with a State public television network shall not be required to carry the signal of any additional qualified local noncommercial educational television stations affiliated with the same network if the programming of such additional stations is substantially duplicated by the programming of the qualified local noncommercial educational television station receiving carriage.

“(D) A cable operator of a system described in this paragraph which increases the usable activated channel capacity of the system to more than 36 channels on or after March 29, 1990, shall, in accordance with the other provisions of this section, carry the signal of each qualified local noncommercial educational television station requesting carriage, subject to subsection (e).

“(c) CONTINUED CARRIAGE OF EXISTING STATIONS.—Notwithstanding any other provision of this section, all cable operators shall continue to provide carriage to all qualified local noncommercial educational television stations whose signals were carried on their systems as of March 29, 1990. The requirements of this subsection may be waived with respect to a particular cable operator and a particular such station, upon the written consent of the cable operator and the station.

“(d) PLACEMENT OF ADDITIONAL SIGNALS.—A cable operator required to add the signals of qualified local noncommercial educational television stations to a cable system under this section may do so, subject to approval by franchising authority pursuant to section 611 of this title, by placing such additional stations on public, educational, or governmental channels not in use for their designated purposes.

“(e) SYSTEMS WITH MORE THAN 36 CHANNELS.—A cable operator of a cable system with a capacity of more than 36 usable activated channels which is required to carry the signals of three qualified local noncommercial educational television stations shall not be required to carry the signals of additional such stations the programming of which substantially duplicates the programming broadcast by another qualified local noncommercial educational television station requesting carriage. Substantial duplication shall be defined by the Commission in a manner that promotes access to distinctive noncommercial educational television services.

“(f) WAIVER OF NONDUPLICATION RIGHTS.—A qualified local noncommercial educational television station whose signal is carried by a cable operator shall not assert any network nonduplication rights it may have pursuant to section 76.92 of title 47, Code of Federal Regulations, to require the deletion of programs aired on other qualified local noncommercial educational television stations whose signals are carried by that cable operator.

“(g) CONDITIONS OF CARRIAGE.—

“(1) CONTENT TO BE CARRIED.—A cable operator shall retransmit in its entirety the primary video, accompanying audio, and line 21 closed caption transmission of each qualified local noncommercial educational television station whose signal is carried on the cable system, and, to the extent technically feasible, program-related material carried in

the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes. Retransmission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the cable operator.

“(2) BAND-WIDTH AND TECHNICAL QUALITY.—A cable operator shall provide each qualified local noncommercial educational television station whose signal is carried in accordance with this section with band-width and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

“(3) CHANGES IN CARRIAGE.—The signal of a qualified local noncommercial educational television station shall not be repositioned by a cable operator unless the cable operator, at least 30 days in advance of such repositioning, has provided written notice to the station and all subscribers of the cable system. For purposes of this paragraph, repositioning includes (A) assignment of a qualified local noncommercial educational television station to a cable system channel number different from the cable system channel number to which the station was assigned as of March 29, 1990, and (B) deletion of the station from the cable system. The notifications provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

“(4) GOOD QUALITY SIGNAL REQUIRED.—Notwithstanding the other provisions of this section, a cable operator shall not be required to carry the signal of any qualified local noncommercial educational television station which does not deliver to the cable system's principal headend a signal of good quality, as may be defined by the Commission.

“(5) CHANNEL POSITIONING.—Each signal carried in fulfillment of the carriage obligations of a cable operator under this section shall be carried on the cable system channel number on which the local noncommercial television station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator. Any dispute regarding the positioning of a local noncommercial television station shall be resolved by the Commission.

“(h) AVAILABILITY OF SIGNALS.—Signals carried in fulfillment of the carriage obligations of a cable operator under this section shall be available to every subscriber as part of the cable system's lowest priced service tier that includes the retransmission of local commercial television broadcast signals.

“(i) PAYMENT FOR CARRIAGE PROHIBITED.—

“(1) IN GENERAL.—A cable operator shall not accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local noncommercial educational television station carried in fulfillment of the requirements of this section, except that such a station may be required to bear the cost associated with delivering a good quality signal to the principal headend of the cable system.

“(2) DISTANT SIGNAL EXCEPTION.—Notwithstanding the provisions of this section, a cable operator shall not be required to add the signal of a qualified local noncommercial educational television station not already carried under the provision of subsection (c), where such signal would be considered a distant signal for copyright purposes unless such station reimburses the cable operator for the incremental copyright costs assessed

against such cable operator as a result of such carriage.

“(j) REMEDIES.—

“(1) COMPLAINT.—Whenever a qualified local noncommercial educational television station believes that a cable operator of a cable system has failed to comply with the signal carriage requirements of this section, the station may file a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to comply with such requirements and state the basis for such allegations.

“(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data, views, and arguments to establish that the cable operator has complied with the signal carriage requirements of this section.

“(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed under this subsection, the Commission shall determine whether the cable operator has complied with the requirements of this section. If the Commission determines that the cable operator has failed to comply with such requirements, the Commission shall state with particularity the basis for such findings and order the cable operator to take such remedial action as is necessary to meet such requirements. If the Commission determines that the cable operator has fully complied with such requirements, the Commission shall dismiss the complaint.

“(k) IDENTIFICATION OF SIGNALS.—A cable operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

“(l) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified noncommercial educational television station’ means any television broadcast station which—

“(A) (i) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational television broadcast station and which is owned and operated by a public agency, nonprofit foundation, corporation, or association; and

“(ii) has as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k) (6) (B) (47 U.S.C. 396(k) (6) (B)); or

“(B) is owned and operated by a municipality and transmits predominantly noncommercial programs for educational purposes.

Such term includes (I) the translator of any noncommercial educational television station with five watts or higher power serving the franchise area, (II) a full-service station or translator if such station or translator is licensed to a channel reserved for noncommercial educational use pursuant to section 73.606 of title 47, Code of Federal Regulations, or any successor regulations thereto, and (III) such stations and translators operating on channels not so reserved as the Commission determines are qualified as noncommercial educational stations.

“(2) QUALIFIED LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified local noncommercial educational television station’ means a qualified noncommercial educational television station—

“(A) which is licensed to a principal community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on March 29, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system; or

“(B) whose Grade B service contour, as defined in section 73.683(a) of such title (as in effect on March 29, 1990), or any successor regulations thereto, encompasses the principal headend of the cable system.”.

SEC. 7. CONSUMER PROTECTION AND CUSTOMER SERVICE.

Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended to read as follows:

“SEC. 632. CONSUMER PROTECTION AND CUSTOMER SERVICE.

“(a) FRANCHISING AUTHORITY ENFORCEMENT.—A franchising authority may establish and enforce—

“(1) customer service requirements of the cable operator; and

“(2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.

“(b) COMMISSION STANDARDS.—The Commission shall, within 180 days of enactment of the Cable Television Consumer Protection and Competition Act of 1992, establish standards by which cable operators may fulfill their customer service requirements. Such standards shall include, at a minimum, requirements governing—

“(1) cable system office hours and telephone availability;

“(2) installations, outages, and service calls; and

“(3) communications between the cable operator and the subscriber (including standards governing bills and refunds).

“(c) CONSUMER PROTECTION LAWS AND CUSTOMER SERVICE AGREEMENTS.—

“(1) CONSUMER PROTECTION LAWS.—Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted by this title.

“(2) CUSTOMER SERVICE REQUIREMENT AGREEMENTS.—Nothing in this section shall be construed to preclude a franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards established by the Commission under subsection (b). Nothing in this title shall be construed to prevent the establishment or enforcement of any municipal law or regulation, or any State law, concerning customer service that imposes customer service requirements that exceed the standards set by the Commission under this section, or that addresses matters not addressed by the standards set by the Commission under this section.”.

SEC. 8. CUSTOMER PRIVACY RIGHTS.

Section 631(a)(2) of the Communications Act of 1934 (47 U.S.C. 551(a)(2)) is amended to read as follows:

“(2) For purposes of this section, other than subsection (h)—

“(A) the term ‘personally identifiable information’ does not include any record of aggregate data which does not identify particular persons;

“(B) the term ‘other service’ includes any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service; and

“(C) the term ‘cable operator’ includes, in addition to persons within the definition of cable operator in section 602, any person who (i) is owned or controlled by, or under common ownership or control with, a cable operator, and (ii) provides any wire or radio communications service.”.

SEC. 9. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding after section 624 the following new section:

“SEC. 624A. CONSUMER ELECTRONICS EQUIPMENT COMPATIBILITY.

“(a) FINDINGS.—The Congress finds that—

“(1) new and recent models of television receivers and video cassette recorders often contain premium features and functions that are disabled or inhibited because of cable scrambling, encoding, or encryption technologies and devices, including converter boxes and remote control devices required by cable operators to receive programming;

“(2) if these problems are allowed to persist, consumers will be less likely to purchase, and electronics equipment manufacturers will be less likely to develop, manufacture, or offer for sale, television receivers and video cassette recorders with new and innovative features and functions; and

“(3) cable system operators should use technologies that will prevent signal thefts while permitting consumers to benefit from such features and functions in such receivers and recorders.

“(b) COMPATIBLE INTERFACES.—Within 1 year after the date of enactment of this section, the Commission, in consultation with representatives of the cable industry and the consumer electronics industry, shall report to the Congress on means of assuring compatibility between televisions and video cassette recorders and cable systems, consistent with the need to prevent theft of cable service, so that cable subscribers will be able to enjoy the full benefit of both the programming available on cable systems and the functions available on their televisions and video cassette recorders. The Commission shall issue such regulations as may be necessary to require the use of interfaces that assure such compatibility.

“(c) RULEMAKING REQUIRED.—

“(1) IN GENERAL.—Within 1 year after the date of submission of the report required by subsection (b), the Commission shall prescribe such regulations as are necessary to increase compatibility between television receivers equipped with premium functions and features, video cassette recorders, and cable systems.

“(2) FACTORS TO BE CONSIDERED.—In prescribing the regulations required by this subsection, the Commission shall consider—

“(A) the costs and benefits of requiring cable operators to adhere to technical standards for scrambling or encryption of video programming in a manner that will minimize interference with or nullification of the special functions of subscribers’ television receivers or video cassette recorders, while providing effective protection against theft or unauthorized reception of cable service, including functions that permit the subscriber—

“(i) to watch a program on 1 channel while simultaneously using a video cassette recorder to tape a program on another channel;

“(ii) to use a video cassette recorder to tape 2 consecutive programs that appear on different channels; or

“(iii) to use advanced television picture generation and display features;

“(B) the potential for achieving economies of scale by requiring manufacturers of television receivers to incorporate technologies to achieve such compatibility in all television receivers;

“(C) the costs and benefits to consumers of imposing compatibility requirements on cable operators and television manufacturers; and

“(D) the need for cable operators to protect the integrity of the signals transmitted by the cable operator against theft or to protect such signals against unauthorized reception.

“(3) REGULATIONS REQUIRED.—The regulations prescribed by the Commission under this section shall include such regulations as are necessary—

“(A) to establish the technical requirements that permit a television receiver or video cassette recorder to be sold as ‘cable ready’;

“(B) to establish procedures by which manufacturers may certify television receivers that comply with the technical requirements established under subparagraph (A) of this paragraph in a manner that, at the point of sale is easily understood by potential purchasers of such receivers;

“(C) provide appropriate penalties for willful misrepresentations concerning such certifications;

“(D) to promote the commercial availability, from cable operators and retail vendors that are not affiliated with cable systems, of converters and of remote control devices compatible with converters;

“(E) to require a cable operator who offers subscribers the option of renting a remote control unit—

“(i) to notify subscribers that they may purchase a commercially available remote control device from any source that sells such devices rather than renting it from the cable operator; and

“(ii) to specify the types of remote control units that are compatible with the converter box supplied by the cable operator; and

“(F) to prohibit a cable operator from taking any action that prevents or in any way disables the converter box supplied by the cable operator from operating compatibly with commercially available remote control units.

“(d) REVIEW OF REGULATIONS.—The Commission shall periodically review and, if necessary, modify the regulations issued pursuant to this section in light of any actions taken in response to regulations issued under subsection (c) and to reflect improvements and changes in cable systems, television receivers, video cassette recorders, and similar technology.

“(e) FEASIBILITY AND COST.—The Commission shall adopt standards under this section that are technologically and economically feasible. In determining the feasibility of such standards, the Commission shall take into account the cost and benefit to cable subscribers and purchasers of television receivers of such standards.”.

SEC. 10. NOTICE TO CABLE SUBSCRIBERS ON UNSOLICITED SEXUALLY EXPLICIT PROGRAMS.

Section 624(d) of the Communications Act of 1934 (47 U.S.C. 544(d)) is amended by adding at the end the following new paragraph:

“(3)(A) If a cable operator provides a premium channel without charge to cable subscribers who do not subscribe to such premium channel, the cable operator shall, not later than 30 days before such premium channel is provided without charge—

“(i) notify all cable subscribers that the cable operator plans to provide a premium channel without charge,

“(ii) notify all cable subscribers when the cable operator plans to offer a premium channel without charge,

“(iii) notify all cable subscribers that they have a right to request that the channel carrying the premium channel be blocked, and

“(iv) block the channel carrying the premium channel upon the request of a subscriber.

“(B) For the purpose of this section, the term ‘premium channel’ shall mean any pay service offered on a per channel or per program basis, which offers movies rated by the Motion Picture Association as X, NR-17, or R.”.

SEC. 11. TECHNICAL STANDARDS; EMERGENCY ANNOUNCEMENTS; PROGRAMMING CHANGES.

(a) TECHNICAL STANDARDS.—Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

“(e) Within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall prescribe regulations which establish minimum technical standards relating to cable systems’ technical operation and signal quality. The Commission shall update such standards periodically to reflect improvements in technology. A franchising authority may require as part of a franchise (including a modification, renewal, or transfer thereof) provisions for the enforcement of the standards prescribed under this subsection. A franchising authority may apply to the Commission for a waiver to impose standards that are more stringent than the standards prescribed by the Commission under this subsection.”.

(b) EMERGENCY ANNOUNCEMENTS.—Section 624 of such Act is further amended by adding at the end the following new subsection:

“(g) Notwithstanding any such rule, regulation, or order, each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations in subpart G of part 73, title 47, Code of Federal Regulations.”.

(c) PROGRAMMING CHANGES.—Section 624 of such Act is further amended—

(1) in subsection (b)(1), by inserting “, except as provided in subsection (h),” after “but may not”; and

(2) by adding at the end the following new subsection:

“(h) A franchising authority may require a cable operator to do any one or more of the following:

“(1) to provide 30 days advance written notice of any change in channel assignment or in the video programming service provided over any such channel;

“(2) to inform subscribers, via written notice, that comments on programming and channel position changes are being recorded by a designated office of the franchising authority.”.

SEC. 12. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.

Part III of title VI of the Communications Act of 1934 is amended by inserting after section 627 (47 U.S.C. 547) the following new section:

“SEC. 628. DEVELOPMENT OF COMPETITION AND DIVERSITY IN VIDEO PROGRAMMING DISTRIBUTION.

“(a) PURPOSE.—The purpose of this section is to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming market, to increase the availability of satellite cable programming to persons in rural and other areas not currently able to receive such service, and to spur the development of communications technologies.

“(b) PROHIBITION.—It shall be unlawful for a cable operator or a satellite cable programming vendor in which a cable operator has an attributable interest in violation of any regulation prescribed under subsection (c) to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which is to hinder significantly or to prevent any multichannel video programming distributor from providing satellite cable programming to subscribers or consumers.

“(c) REGULATIONS REQUIRED.—

“(1) PROCEEDING REQUIRED.—Within 180 days after the enactment of this Act, the Commission shall, in order to promote the public interest, convenience, and necessity by increasing competition and diversity in the multichannel video programming mar-

ket and the continuing development of communications technologies, prescribe regulations to specify the conduct that is prohibited by subsection (b).

“(2) MINIMUM CONTENTS OF REGULATIONS.—The regulations to be promulgated under this section shall—

“(A) establish effective safeguards to prevent a cable operator which has an attributable interest in a satellite cable programming vendor from unduly or improperly influencing the decision of such vendor to sell, or the price, terms, and conditions of sale of, satellite cable programming to any unaffiliated multichannel video programming distributor;

“(B) prohibit discrimination by a satellite cable programming vendor in which a cable operator has an attributable interest in the price, terms, and conditions in the sale or delivery of satellite cable programming among or between cable systems, cable operators, or their agents or buying groups, or other multichannel video programming distributors; except that such a satellite cable programming vendor in which a cable operator has an attributable interest shall not be prohibited from—

“(i) imposing reasonable requirements for creditworthiness, offering of service, and financial stability and standards regarding character and technical quality;

“(ii) establishing different prices, terms, and conditions to take into account actual and reasonable differences in the cost of creation, sale, delivery, or transmission of satellite cable programming;

“(iii) establishing different price, terms, and conditions which take into account reasonable volume discounts based on the number of subscribers served by the distributor; or

“(iv) entering into an exclusive contract that is permitted under subparagraph (D);

“(C) prohibit practices, understandings, arrangements, or activities, including exclusive contracts for satellite cable programming between a cable operator and a cable satellite programming vendor, which prevent a multichannel video programming distributor from obtaining such programming from any satellite cable programming vendor in which a cable operator has an attributable interest for distribution to persons in areas not served by a cable operator as of the date of enactment of this section; and

“(D) with respect to distribution to persons in areas served by a cable operator, prohibit exclusive contracts for satellite cable programming between a cable operator and a satellite cable programming vendor in which a cable operator has an attributable interest, unless the Commission determines (in accordance with paragraph (4)) that such contract is in the public interest.

“(3) GEOGRAPHIC LIMITATIONS.—Nothing in this section shall require any person who is engaged in the national or regional distribution of video programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution. Nothing in this section shall apply to the signal of any broadcast affiliate of a national television network or other television signal that is retransmitted by satellite, and shall not apply to any internal satellite communication of any broadcast network or cable network, except that satellite broadcast programming shall be subject to the requirements of this section.

“(4) PUBLIC INTEREST DETERMINATIONS ON EXCLUSIVE CONTRACTS.—In determining whether an exclusive contract is in the public interest for purposes of paragraph (2)(D), the Commission shall consider each of the following factors with respect to the effect of such contract on the distribution of video

programming in areas that are served by a cable operator:

“(A) the effect of such exclusive contract on the development of competition in local and national multichannel video programming distribution markets;

“(B) the effect of such exclusive contract on competition from multichannel video programming distribution technologies other than cable;

“(C) the effect of such exclusive contract on the attraction of capital investment in the production and distribution of new satellite cable programming;

“(D) the effect of such exclusive contract on diversity of programming in the multichannel video programming distribution market; and

“(E) the duration of the exclusive contract.

“(5) SUNSET PROVISION.—The prohibition required by paragraph (2)(D) shall cease to be effective 10 years after the date of enactment of this Act.

“(d) ADJUDICATORY PROCEEDING.—Any multichannel video programming distributor aggrieved by conduct that it alleges constitutes a violation of this section, or the implementing regulations of the Commission under this section, may commence an adjudicatory proceeding at the Commission.

“(e) REMEDIES FOR VIOLATIONS.—

“(1) REMEDIES AUTHORIZED.—Upon completion of such adjudicatory proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish price, terms, and conditions of sale of programming to the aggrieved multichannel video programming distributor.

“(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

“(f) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission’s regulations shall—

“(1) provide for an expedited review of any complaints made pursuant to this section;

“(2) establish procedures for the Commission to collect such data, including the right to obtain copies of all contracts and documents reflecting arrangements and understandings alleged to violate this section, as the Commission requires to carry out this section; and

“(3) provide for any penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

“(g) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by subsection (c), annually report to Congress on the status of competition in the market for the delivery of video programming.

“(h) EXEMPTIONS FOR PRIOR CONTRACTS.—

“(1) IN GENERAL.—Nothing in this section shall affect any contract that grants exclusive distribution rights to any person with respect to satellite cable programming and that was entered into on or before June 1, 1990, except that the provisions of subsection (c)(2)(C) shall apply for distribution to persons in areas not served by a cable operator.

“(2) LIMITATION ON RENEWALS.—A contract that was entered into on or before June 1, 1990, but that is renewed or extended after the date of enactment of this section shall not be exempt under paragraph (1) of this subsection.

“(i) APPLICABILITY OF ANTITRUST LAWS; NO ANTITRUST IMMUNITY.—Nothing in this section shall be construed to alter or restrict in any manner the applicability of any Federal or State antitrust law.

“(j) DEFINITIONS.—As used in this section:

“(1) The term ‘satellite cable programming vendor’ means a person engaged in the production, creation, or wholesale distribution

of a satellite cable programming service for sale.

"(2) The terms 'cable system', 'multi-channel video programming distributor', and 'video programming' have the meanings provided under section 602 of this Act.

"(3) The term 'satellite cable programming' has the meaning provided under section 705 of the Act.

"(4) The term 'satellite broadcast programming' means broadcast programming, other than programming of an affiliate of a national network, when such programming is retransmitted by satellite and the entity retransmitting such programming is not the broadcaster or an entity performing such retransmission on behalf of and with the specific consent of the broadcaster."

SEC. 13. REGULATION OF CARRIAGE AGREEMENTS.

Part II of title VI of the Communications Act of 1934 is amended by adding at the end the following new section:

"SEC. 616. REGULATION OF CARRIAGE AGREEMENTS.

"(a) REGULATIONS.—Within one year after the date of enactment of this section, the Commission shall establish regulations governing program carriage agreements and related practices between cable operators or other multichannel video programming distributors and video programming vendors. Such regulations shall—

"(1) include provisions designed to prevent a cable operator or other multichannel video programming distributor from requiring a financial interest in a program service as a condition for carriage on one or more of such operator's systems;

"(2) include provisions designed to prohibit a cable operator or other multichannel video programming distributor from coercing a video programming vendor to provide, and from retaliating against such a vendor for failing to provide, exclusive rights against other multichannel video programming distributors as a condition of carriage on a system;

"(3) contain provisions designed to prevent a multichannel video programming distributor from engaging in conduct the effect of which is to unreasonably restrain the ability of an unaffiliated video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation of vendors in the selection, terms, or conditions for carriage of video programming provided by such vendors;

"(4) provide for expedited review of any complaints made by a video programming vendor pursuant to this section;

"(5) provide for appropriate penalties and remedies for violations of this subsection, including carriage; and

"(6) provide penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(b) DEFINITION.—As used in this section, the term 'video programming vendor' means a person engaged in the production, creation, or wholesale distribution of a video programming service for sale."

SEC. 14. EQUAL EMPLOYMENT OPPORTUNITY.

(a) FINDINGS.—The Congress finds and declares that—

(1) despite the existence of regulations governing equal employment opportunity, females and minorities are not employed in significant numbers in positions of management authority in the cable television and broadcast industries;

(2) increased numbers of females and minorities in positions of management authority in the cable television and broadcast industries advances the Nation's policy favoring diversity in the expression of views in the electronic media; and

(3) rigorous enforcement of equal employment opportunity rules and regulations is required in order to effectively deter racial and gender discrimination.

(b) STANDARDS.—Section 634(d)(1) of the Communication Act of 1934 (47 U.S.C. 554(d)(1)) is amended to read as follows:

"(d)(1) Not later than 270 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, of this section, and after notice and opportunity for hearing, the Commission shall prescribe revisions in the rules under this section in order to implement the amendments made to this section by such Act. Such revisions shall be designed to promote equality of employment opportunities for females and minorities in each of the job categories itemized in paragraph (3) of this subsection."

(c) CONTENTS OF ANNUAL STATISTICAL REPORTS.—Section 634(d)(3) of the Communications Act of 1934 (47 U.S.C. 554(d)(3)) is amended to read as follows:

"(3)(A) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race, sex, and job title the number of employees in each of the following full-time and part-time job categories:

- "(i) Corporate officers.
- "(ii) General Manager.
- "(iii) Chief Technician.
- "(iv) Comptroller.
- "(v) General Sales Manager.
- "(vi) Production Manager.
- "(vii) Managers.
- "(viii) Professionals.
- "(ix) Technicians.
- "(x) Sales.
- "(xi) Office and Clerical.
- "(xii) Skilled Craftspersons.
- "(xiii) Semiskilled Operatives.
- "(xiv) Unskilled Laborers.
- "(xv) Service Workers.

"(B) The report required by subparagraph (A) shall be made on separate forms, provided by the Commission, for full-time and part-time employees. The Commission's rules shall sufficiently define job categories (i) through (vi) of such subparagraph so as to ensure that only employees who are principal decisionmakers and that have supervisory authority are reported for such categories. The Commission shall adopt rules that define job categories (vii) through (xv) in a manner that is consistent with the Commission policies in effect on June 1, 1990. The Commission shall prescribe the method by which entities shall be required to compute and report the number of minorities and women in job categories (i) through (x) and the number of minorities and women in job categories (i) through (xv) in proportion to the total number of qualified minorities and women in the relevant labor market. The report shall include information on hiring, promotion, and recruitment practices necessary for the Commission to evaluate the efforts of entities to comply with the provisions of paragraph (2) of this subsection. The report shall be available for public inspection at the entity's central location and at every location where 5 or more full-time employees are regularly assigned to work. Nothing in this subsection shall be construed as prohibiting the Commission from collecting or continuing to collect statistical or other employment information in a manner that it deems appropriate to carry out this section."

(d) PENALTIES.—Section 634(f)(2) of such Act is amended by striking "\$200" and inserting "\$500".

(e) APPLICATION OF REQUIREMENTS.—Section 634(h)(1) of such Act is further amended by inserting before the period the following: "and any multichannel video programming distributor".

(f) STUDY AND REPORT REQUIRED.—Not later than 240 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, the Commission shall submit to the Congress a report pursuant to a proceeding to review and obtain public comment on the effect and operation of its procedures, regulations, policies, standards, and guidelines concerning equal employment opportunity in the broadcasting industry. In conducting such review, the Commission shall consider the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting equality of employment opportunity and promotion opportunity, and particularly the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting the congressional policy favoring increased employment opportunity for women and minorities in positions of management authority. In conducting such proceeding the Commission also shall review the effectiveness of penalties and remedies for violation of existing regulations and policies concerning equality of employment opportunity in the broadcasting industry. The Commission shall forward to the Congress such legislative recommendations to improve equal employment opportunity in the broadcasting industry as it deems necessary.

(g) BROADCASTING EQUAL EMPLOYMENT OPPORTUNITY.—Part II of title VI of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"SEC. 617. EQUAL EMPLOYMENT OPPORTUNITY OBLIGATIONS OF MUST-CARRY STATIONS.

"(a) APPLICATION OF SECTION.—This section shall apply to—

"(1) the licensee for any television broadcasting station that is eligible for carriage under section 614 or 615; and

"(2) any corporation, partnership, association, joint-stock company, trust, or affiliate or subsidiary thereof engaged primarily in the management or operation of any such licensee.

"(b) EQUAL EMPLOYMENT OPPORTUNITY REQUIRED.—Equal opportunity in employment shall be afforded by each entity specified in subsection (a), and no person shall be discriminated against in employment by such entity because of race, color, religion, national origin, age, or sex.

"(c) EMPLOYMENT POLICIES AND PRACTICES REQUIRED.—Any entity specified in subsection (a) shall establish, maintain, and execute a positive continuing program of specific practices designed to ensure equal opportunity in every aspect of its employment policies and practices and to promote the hiring of a workforce that reflects the diversity of its community. Under the terms of its programs, such entity shall—

"(1) define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

"(2) inform its employees and recognized employee organizations of the equal employment opportunity policy and program and enlist their cooperation;

"(3) communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, age, or sex, and solicit their recruitment assistance on a continuing basis;

"(4) conduct a continuing program to exclude every form of prejudice or discrimination based on race, color, religion, national origin, age, or sex, from its personnel policies and practices and working conditions; and

"(5) conduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all its organizational units, occupations, and levels of responsibility.

"(d) COMMISSION RULES REQUIRED.—

"(1) DEADLINE FOR RULES.—Not later than 270 days after the date of enactment of this section, and after notice and opportunity for hearing, the Commission shall prescribe rules to carry out this section.

"(2) CONTENT OF RULES.—Such rules shall specify the terms under which an entity specified in subsection (a) shall, to the extent possible—

"(A) disseminate its equal opportunity program to job applicants, employees, and those with whom it regularly does business;

"(B) use minority organizations, organizations for women, media, educational institutions, and other potential sources of minority and female applicants, on an ongoing basis as a potential source of referrals for whenever jobs may become available;

"(C) evaluate its employment profile and job turnover against the availability of minorities and women in its service area;

"(D) undertake to offer promotions of minorities and women to positions of greater responsibility;

"(E) encourage minority and female entrepreneurs to conduct business with all parts of its operation; and

"(F) analyze the results of its efforts to recruit, hire, promote, and use the service of minorities and women and explain any difficulties encountered in implementing its equal employment opportunity program.

"(3) REPORTS REQUIRED.—Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race and sex the number of employees in each of the following full-time and part-time job categories—

"(A) Corporate officers.

"(B) General Manager.

"(C) Chief Technician.

"(D) Comptroller.

"(E) General Sales Manager.

"(F) Production Manager.

"(G) Managers.

"(H) Professionals.

"(I) Technicians.

"(J) Sales.

"(K) Office and Clerical.

"(L) Skilled Craftspersons.

"(M) Semiskilled Operatives.

"(N) Unskilled Laborers.

"(O) Service Workers.

"(4) ADDITIONAL CONTENTS OF REPORTS.—In addition, such report shall state the number of job openings occurring during the course of the year and (A) shall certify that the openings were filled in accordance with the program required by subsection (c), or (B) shall contain a statement providing reasons for not filling such positions in accordance with such program. The statistical report shall be available to the public at the central office and at every location where more than 5 full-time employees are regularly assigned to work.

"(5) RULES AMENDMENTS.—The Commission may amend such rules from time to time to the extent necessary to carry out the provisions of this section. Any such amendment shall be made after notice and opportunity for comment.

"(e) ENFORCEMENT.—

"(1) ANNUAL CERTIFICATION.—On an annual basis, the Commission shall certify each entity described in subsection (a) as in compliance with this section if, on the basis of information in the possession of the Commission, including the report filed pursuant to

subsection (d)(3), such entity was in compliance, during the annual period involved, with the requirements of subsections (b), (c), and (d).

"(2) LICENSE RENEWAL REVIEWS.—The Commission shall, at the time of license renewal, review the employment practices of each entity described in subsection (a), in the aggregate, as well as in individual job categories, and determine whether such entity is in compliance with the requirements of subsections (b), (c), and (d), including whether such entity's employment practices deny or abridge minorities and women equal opportunities. As part of such investigation, the Commission shall review whether the entity's reports filed pursuant to subsection (d)(3) accurately reflect employee responsibilities in the reported job classifications and accurately reflect compliance with the equal employment opportunity plan in filing its annual reports.

"(f) COMPLAINTS.—Employees or applicants for employment who believe they have been discriminated against in violation of the requirements of this section, or rules under this section, or any other interested person, may file a complaint with the Commission. A complaint by any such person shall be in writing, and shall be signed and sworn to by that person. The rules prescribed under subsection (d)(1) shall specify a program, under authorities otherwise available to the Commission, for the investigation of complaints and violations, and for the enforcement of this section.

"(g) PENALTIES.—

"(1) IN GENERAL.—Any person who is determined by the Commission, through an investigation pursuant to subsection (e) or otherwise, to have failed to meet or failed to make best efforts to meet the requirements of this section, or rules under this section, shall be liable to the United States for a forfeiture penalty of \$200 for each violation. Each day of continuing violation shall constitute a separate offense. Any entity defined in subsection (a) shall not be liable for more than 180 days of forfeitures which accrued prior to notification by the Commission of a potential violation. Nothing in this paragraph shall limit the forfeiture imposed on any person as a result of any violation that continues subsequent to such notification. In addition, any person liable for such penalty may also have any license under this Act conditioned, suspended, or revoked. Whoever knowingly makes any false statement or submits documentation which he knows to be false, pursuant to an application for certification under this section shall be in violation of this section.

"(2) ADDITIONAL REMEDIES.—The provisions of paragraphs (2)(D), (3), and (4), of section 503(b) shall apply to forfeitures under this subsection.

"(3) NOTICE OF PENALTIES.—The Commission shall provide for notice to the public of any penalty imposed under this section.

"(h) EFFECT ON OTHER LAWS.—Nothing in this section shall affect the authority of any State or local government—

"(1) to establish or enforce any requirement which is consistent with the requirements of this section, including any requirement which affords equal employment opportunity protection for employees; or

"(2) to establish or enforce any provision requiring or encouraging any entity specified in subsection (a) to conduct business with enterprises which are owned or controlled by members of minority groups (as defined in section 309(i)(3)(C)(ii)) or which have their principal operations located within the local service area of such entity."

SEC. 15. HOME WIRING.

Section 624 of the Communications Act of 1934 (47 U.S.C. 544) is amended by adding at the end the following new subsection:

"(i) Within 120 days after the date of enactment of this subsection, the Commission shall prescribe rules concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber."

SEC. 16. SALES OF CABLE SYSTEMS.

Part II of title VI of the Communications Act of 1934 is further amended by adding at the end thereof the following new section:

"SEC. 618. SALES OF CABLE SYSTEMS.

"(a) 3-YEAR HOLDING PERIOD REQUIRED.—Except as provided in this section, no cable operator may sell or otherwise transfer ownership in a cable system within a 36-month period following either the acquisition or initial construction of such system by such operator.

"(b) TREATMENT OF MULTIPLE TRANSFERS.—In the case of a sale of multiple systems, if the terms of the sale require the buyer to subsequently transfer ownership of one or more such systems to one or more third parties, such transfers shall be considered a part of the initial transaction.

"(c) EXCEPTIONS.—Subsection (a) of this section shall not apply to—

"(1) any transfer of ownership interest in any cable system which is not subject to Federal income tax liability;

"(2) any sale required by operation of any law or any act of any Federal agency, any State or political subdivision thereof, or any franchising authority; or

"(3) any sale, assignment, or transfer, to one or more purchasers, assignees, or transferees controlled by, controlling, or under common control with, the seller, assignor, or transferor.

"(d) WAIVER AUTHORITY.—The Commission may, consistent with the public interest, waive the requirement of subsection (a), except that, if the franchise requires franchise authority approval of a transfer, the Commission shall not waive such requirements unless the franchise authority has approved the transfer.

"(e) LIMITATION ON DURATION OF FRANCHISING AUTHORITY POWER TO DISAPPROVE TRANSFERS.—In the case of any sale or transfer of ownership of any cable system after the 36-month period following acquisition of such system, a franchising authority shall, if the franchise requires franchising authority approval of a sale or transfer, have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with Commission regulations and by the franchising authority. If the franchising authority fails to render a final decision on the request within 120 days, such request shall be deemed granted unless the requesting party and the franchising authority agree to an extension of time."

SEC. 17. LIMITATION ON FRANCHISING AUTHORITY LIABILITY.

(a) AMENDMENT.—Part IV of title VI of the Communications Act of 1934 is amended by inserting after section 635 (47 U.S.C. 555) the following new section:

"SEC. 635A. LIMITATION OF FRANCHISING AUTHORITY LIABILITY.

"(a) SUITS FOR DAMAGES PROHIBITED.—In any court proceeding pending on or initiated after the date of enactment of this section involving any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of a franchise, any relief, to the extent such relief is required by any other provision of Federal, State, or local law, shall be limited to injunctive relief and declaratory relief.

“(b) EXCEPTION FOR COMPLETED CASES.—The limitation contained in subsection (a) shall not apply to actions that, prior to such violation, have been determined by a final order of a court of binding jurisdiction, no longer subject to appeal, to be in violation of a cable operator’s rights.

“(c) DISCRIMINATION CLAIMS PERMITTED.—Nothing in this section shall be construed as limiting the relief authorized with respect to any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, to the extent such claim involves discrimination on the basis of race, color, sex, age, religion, national origin, or handicap.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as creating or authorizing liability of any kind, under any law, for any action or failure to act relating to cable service or the granting of a franchise by any franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity.”

(b) CONFORMING AMENDMENT.—Section 635(b) of the Communications Act of 1934 (47 U.S.C. 555(b)) is amended by inserting “and with the provisions of section 635(a)” after “subsection (a)”.

SEC. 18. CABLE CHANNELS FOR COMMERCIAL USE.

(a) RATES, TERMS, AND CONDITIONS.—Section 612(c) of the Communications Act of 1934 (47 U.S.C. 532(c)) is amended—

(1) in paragraph (1), by striking “consistent with the purpose of this section” and inserting “consistent with regulations prescribed by the Commission under paragraph (4)”;

(2) by adding at the end thereof the following new paragraph:

“(4) The Commission shall, not later than 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1992, by regulation establish—

“(A) a formula to determine the maximum rates which a cable operator may establish under paragraph (1) of this subsection;

“(B) standards concerning the terms and conditions which may be so established;

“(C) standards concerning methods for collection and billing for commercial use of channel capacity made available under this section; and

“(D) procedures for the expedited resolution of disputes concerning rates or carriage under this section.”

(b) ACCESS FOR QUALITY MINORITY PROGRAMMING SOURCES AND QUALIFIED EDUCATIONAL PROGRAMMING SOURCES.—Section 612 of such Act is further amended by adding at the end thereof the following new subsection:

“(i)(1) Notwithstanding the provisions of subsections (b) and (c), a cable operator required by this section to designate channel capacity for commercial use may use any such channel capacity for the provision of programming from a qualified minority programming source or from any qualified educational programming source, whether or not such source is affiliated with the cable operator. The channel capacity used to provide programming from a qualified minority programming source or from any qualified educational programming source pursuant to this subsection may not exceed 33 percent of the channel capacity designated pursuant to this section. No programming provided over a cable system on July 1, 1990, may qualify as minority programming or educational programming on that cable system under this subsection.

“(2) For purposes of this subsection, the term ‘qualified minority programming

source’ means a programming source which devotes significantly all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned, as the term ‘minority’ is defined in section 309(i)(3)(C)(ii) of this Act.

“(3) For purposes of this subsection, the term ‘qualified educational programming source’ means a programming source which devotes significantly all of its programming to educational or instructional programming of such a nature that it promotes public understanding of mathematics, the sciences, the humanities, and the arts and has a documented annual expenditure on programming exceeding \$15,000,000. Programming expenditures shall mean all annual costs incurred by the channel originator to produce or acquire programs which are scheduled to appear on air, and shall specifically exclude marketing, promotion, satellite transmission and operational costs, and general administrative costs. Nothing in this subsection shall substitute for the requirements to carry qualified noncommercial educational television stations as specified under section 615.”

SEC. 19. CABLE FOREIGN OWNERSHIP RESTRICTIONS.

(a) FINDINGS.—The Congress finds that—

(1) restrictions on alien or foreign ownership of broadcasting and common carriers first were enacted by Congress in the Radio Act of 1912;

(2) cable television service currently is available to more than 90 percent of American households, more than 62 percent of American households subscribe to such services, and the majority of viewers rely on cable as the conduit through which they receive terrestrial broadcast signals;

(3) many Americans receive a significant portion of their daily news, information, and entertainment programming from cable television systems, and such systems should not be controlled by foreign entities; and

(4) the policy justifications underlying restrictions on alien ownership of broadcast or common carrier licenses have equal application to alien ownership of cable television systems, direct broadcast satellite systems, and multipoint distribution services.

(b) AMENDMENT TO COMMUNICATIONS ACT.—Section 310(b) of the Communications Act of 1934 (47 U.S.C. 310(b)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by inserting “(1)” after “(b)”;

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

“(2)(A) No cable system (as such term is defined in section 602) in the United States shall be owned or otherwise controlled by any alien, representative, or corporation described in subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection.

“(B) Subparagraph (A) of this paragraph shall not be applied—

“(i) to require any such alien, representative, or corporation to sell or dispose of any ownership interest held or contracted for on or before June 1, 1990, or acquired in accordance with clause (ii); or

“(ii) to prohibit any such alien, representative, or corporation that owns, has contracted on or before June 1, 1990, to acquire ownership, or otherwise controls, any cable system from acquiring ownership or control of additional cable systems if the total number of households passed by all the cable systems that such alien, representative, or corporation would, as a result of such acquisition, own or control does not exceed 2,000,000.

“(3)(A) For purposes of paragraph (1) of this subsection, a license or authorization for any of the following services shall be deemed to be a broadcast station license:

“(i) cable auxiliary relay services;

“(ii) multipoint distribution services;

“(iii) direct broadcast satellite services; and

“(iv) other services the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

“(B) Subparagraph (A) of this paragraph shall not be applied to any cable operator to the extent that such operator is eligible for the exemptions contained in subparagraph (B) of paragraph (2).”

SEC. 20. THEFT OF CABLE SERVICE.

Section 633(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended—

(1) in paragraph (2)—

(A) by striking “\$25,000” and inserting “\$50,000”;

(B) by striking “1 year” and inserting “2 years”;

(C) by striking “\$50,000” and inserting “\$100,000”; and

(D) by striking “2 years” and inserting “5 years”;

(2) by adding at the end thereof the following new paragraph:

“(3) For purposes of all penalties and remedies established for violations of subsection (a)(1), the prohibited activity established herein as it applies to each such device shall be deemed a separate violation.”

SEC. 21. STUDIES.

(a) STUDY OF VIDEO PROGRAMMING DIVERSITY AND COMPETITION.—

(1) COMMISSION STUDY AND RULEMAKING.—The Commission shall conduct a rulemaking proceeding to review and study to determine whether it is necessary or appropriate in the public interest to prohibit or constrain acts and practices that may unreasonably restrict diversity and competition in the market for video programming. In conducting such proceeding, the Commission—

(A) shall consider the necessity and appropriateness of imposing limitations on the degree to which multichannel video programming distributors may engage in the creation or production of such programming; and

(B) shall impose limitations on the proportion of the market, at any stage in the distribution of video programming, which may be controlled by any multichannel video programming distributor or other person engaged in such distribution.

(2) REPORT.—Within one year after the date of enactment of this Act, the Commission shall submit a report on the review and study required by paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Thereafter, the Commission shall continue to monitor (and summarize in the Commission’s annual reports) the status of diversity and competition in the marketplace for video programming.

(3) PROCEEDING REQUIRED TO REVIEW DBS RESPONSIBILITIES.—The Federal Communications Commission shall, within 180 days after the date of enactment of this Act, initiate a rulemaking proceeding to impose, with respect to any direct broadcast satellite system that is not regulated as a common carrier under title II of the Communications Act of 1934, public interest or other requirements on direct broadcast satellite systems providing video programming. Any regulations prescribed pursuant to such rulemaking shall, at a minimum, apply the access to broadcast time requirement of section 312(a)(7) of the Communications Act of 1934 and the use of facilities requirements of section 315 of such Act to direct broadcast satellite systems providing video programming. Such proceeding also shall examine the opportunities that the establishment of

such systems provide for the principle of localism under such Act, and the methods by which such principle may be served through technological and other developments in, or regulation of, such systems.

(4) PUBLIC SERVICE USE REQUIREMENTS.—The Federal Communications Commission shall require, as a condition of any initial authorization, or renewal thereof, for a direct broadcast satellite service providing video programming, that the provider of such service reserve not less than 4 percent or more than 7 percent of the channel capacity of such service exclusively for non-commercial public service uses. A provider of direct broadcast satellite service may use any unused channel capacity designated pursuant to this paragraph until the use of such channel capacity is obtained, pursuant to a written agreement, for public service use. The direct broadcast satellite service provider may recover only the direct costs of transmitting public service programming on the channels reserved under this subsection.

(5) STUDY PANEL.—There is established a study panel which shall be comprised of a representative of the Corporation for Public Broadcasting, the National Telecommunications and Information Administration, and the Office of Technology Assessment selected by the head of each such entity. Such study panel shall within 2 years after the date of enactment of this Act, submit a report to the Congress containing recommendations on—

(A) methods and strategies for promoting the development of programming for transmission over the public use channels reserved pursuant to paragraph (4)(A);

(B) methods and criteria for selecting programming for such channels that avoids conflicts of interest and the exercise of editorial control by the direct broadcast satellite service provider; and

(C) identifying existing and potential sources of funding for administrative and production costs for such public use programming.

(6) DEFINITIONS.—As used in this subsection—

(A) the term “direct broadcast satellite systems” includes (i) satellite systems licensed under part 100 of the Federal Communications Commission’s rules, and (ii) high power Ku-band fixed service satellite systems providing video service directly to the home and licensed under part 25 of the Federal Communications Commission’s rules; and

(B) the term “public service uses” includes—

(i) programming produced by public telecommunications entities, including programming furnished to such entities by independent production services;

(ii) programming produced by public or private educational institutions or entities for educational, instructional, or cultural purposes; and

(iii) programming produced by any entity to serve the disparate needs of specific communities of interest, including linguistically distinct groups, minority and ethnic groups, and other groups.

(b) SPORTS PROGRAMMING MIGRATION STUDY AND REPORT.—

(1) STUDY REQUIRED.—The Federal Communications Commission shall conduct an ongoing study on the carriage of local, regional, and national sports programming by broadcast stations, cable programming networks, and pay-per-view services. The study shall investigate and analyze, on a sport-by-sport basis, trends in the migration of such programming from carriage by broadcast stations to carriage over cable programming networks and pay-per-view systems, including the economic causes and the economic and social consequences of such trends.

(2) REPORT ON STUDY.—The Federal Communications Commission shall, on or before July 1, 1993, and July 1, 1994, submit an interim and a final report, respectively, on the results of the study required by paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such reports shall include a statement of the results, on a sport-by-sport basis, of the analysis of the trends required by paragraph (1) and such legislative or regulatory recommendations as the Commission considers appropriate.

(3) ANALYSIS OF PRECLUSIVE CONTRACTS REQUIRED.—In conducting the study required by paragraph (1), the Commission shall analyze the extent to which preclusive contracts between college athletic conferences and video programming vendors have artificially and unfairly restricted the supply of the sporting events of local colleges for broadcast on local television stations. In conducting such analysis, the Commission shall consult with the Attorney General to determine whether and to what extent such preclusive contracts are prohibited by existing statutes. The report required by paragraph (2) shall include a separate statement of the results of the analysis required by this paragraph, together with such recommendations for legislation as the Commission considers necessary and appropriate. For purposes of the paragraph, the term “preclusive contract” includes any contract that prohibits—

(A) the live broadcast by a local television station of a sporting event of a local college team that is not carried, on a live basis, by any cable system within the local community served by such local television station; or

(B) the delayed broadcast by a local television station of a sporting event of a local college team that is not carried, on a live or delayed basis, by any cable system within the local community served by such local television station.

(c) PROCEEDING WITH RESPECT TO AREAS RECEIVING POOR OVER-THE-AIR SIGNALS.—The Federal Communications Commission shall initiate an inquiry and rulemaking to examine the feasibility of providing access to network and independent broadcasting station signals to persons who subscribe to direct broadcast satellite service and are unable to receive such signals (of grade B quality) over the air from a local licensee or from a cable system. In undertaking such rulemaking, the Commission shall take into consideration pertinent economic and technological factors, including the following:

(1) the extent to which individuals in rural, underserved areas are unable to receive broadcast television transmission; and

(2) potential ways in which operators of satellite-delivered programming services or the manufacturers or distributors of receiving equipment might enhance the ability of such persons to receive and readily access additional video programming, including without limitation, an electronic switching capability as a minimum feature on satellite television receiving equipment.

SEC. 22. ANTITRUST IMMUNITY.

Nothing in the amendments made by this Act shall be construed to create any immunity to any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any matter the applicability of any Federal or State antitrust law.

SEC. 23. EFFECTIVE DATE.

Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MARKEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 340
Nays 73

§88.38 [Roll No. 313] YEAS—340

Abercrombie	Duncan	Kildee
Ackerman	Durbin	Klecza
Alexander	Dwyer	Klug
Allen	Early	Kopetski
Anderson	Eckart	Kostmayer
Andrews (ME)	Edwards (CA)	LaFalce
Andrews (NJ)	Edwards (OK)	Lancaster
Andrews (TX)	Edwards (TX)	Lantos
Annuzio	Emerson	LaRocco
Anthony	Engel	Leach
Applegate	English	Lehman (CA)
Aspin	Erdreich	Levin (MI)
Atkins	Espy	Lewis (FL)
AuCoin	Evans	Lewis (GA)
Bacchus	Ewing	Lightfoot
Ballenger	Fascell	Lipinski
Bateman	Fazio	Livingston
Beilenson	Fish	Lloyd
Bennett	Flake	Long
Bentley	Foglietta	Lowey (NY)
Bereuter	Ford (MI)	Machtley
Berman	Ford (TN)	Manton
Bevill	Frank (MA)	Markey
Bilbray	Galleghy	Martin
Bilirakis	Gallo	Martinez
Blackwell	Gaydos	Matsui
Boehlert	Gejdenson	Mavroules
Bonior	Gekas	Mazzoli
Borski	Gephardt	McCloskey
Boucher	Geren	McCollum
Boxer	Gibbons	McCurdy
Brewster	Gilchrest	McDade
Brooks	Gilman	McDermott
Broomfield	Glickman	McEwen
Browder	Gonzalez	McGrath
Brown	Gordon	McHugh
Bruce	Goss	McMillan (NC)
Bryant	Gradison	McMillen (MD)
Bunning	Grandy	McNulty
Bustamante	Green	Meyers
Byron	Guarini	Mfume
Callahan	Gunderson	Miller (CA)
Camp	Hall (OH)	Mineta
Cardin	Hall (TX)	Mink
Carper	Hamilton	Moakley
Carr	Hammerschmidt	Mollohan
Chapman	Hancock	Montgomery
Clay	Harris	Moody
Clement	Hayes (IL)	Moorhead
Coble	Hayes (LA)	Moran
Coleman (MO)	Hefner	Morella
Coleman (TX)	Henry	Morrison
Collins (IL)	Hertel	Mrazek
Collins (MI)	Hoagland	Murphy
Condit	Hobson	Murtha
Conyers	Hochbrueckner	Nagle
Cooper	Horn	Natcher
Costello	Houghton	Neal (MA)
Cox (IL)	Hoyer	Neal (NC)
Coyne	Hubbard	Nichols
Cramer	Huckaby	Nowak
Dannemeyer	Hughes	Nussle
Darden	Hutto	Oakar
Davis	Inhofe	Oberstar
de la Garza	Jacobs	Obey
DeFazio	James	Olver
DeLauro	Jefferson	Ortiz
Dellums	Jenkins	Owens (NY)
Derrick	Johnson (CT)	Owens (UT)
Dickinson	Johnson (SD)	Pallone
Dicks	Johnston	Panetta
Dingell	Jones (GA)	Pastor
Dixon	Jontz	Patterson
Donnelly	Kanjorski	Paxon
Dooley	Kaptur	Payne (NJ)
Doolittle	Kasich	Payne (VA)
Dorgan (ND)	Kennedy	Pease
Downey	Kennelly	Pelosi

Perkins	Saxton	Taylor (MS)
Peterson (MN)	Scheuer	Taylor (NC)
Petri	Schiff	Thornton
Pickle	Schulze	Torres
Porter	Schumer	Torricelli
Poshard	Sensenbrenner	Towns
Price	Serrano	Trafigant
Quillen	Sharp	Unsoeld
Rahall	Shaw	Upton
Ramstad	Shays	Valentine
Rangel	Sikorski	Vander Jagt
Ravenel	Sisisky	Vento
Reed	Skeen	Visclosky
Regula	Skelton	Volkmer
Richardson	Slattery	Vucanovich
Ridge	Slaughter	Walsh
Riggs	Smith (FL)	Washington
Rinaldo	Smith (IA)	Waters
Roberts	Smith (NJ)	Waxman
Roe	Snowe	Weiss
Roemer	Solomon	Weldon
Rogers	Spence	Wheat
Ros-Lehtinen	Spratt	Whitten
Rose	Staggers	Williams
Rostenkowski	Stallings	Wilson
Roth	Stark	Wise
Rowland	Stearns	Wolf
Roybal	Stenholm	Wolpe
Russo	Stokes	Wyden
Sabo	Studds	Wyllie
Sanders	Sundquist	Yatron
Sangmeister	Swett	Young (AK)
Santorum	Swift	Young (FL)
Sarpalius	Synar	Zimmer
Savage	Tanner	
Sawyer	Tauzin	

NAYS—73

Allard	Gingrich	Myers
Archer	Goodling	Olin
Armey	Hastert	Orton
Baker	Hefley	Oxley
Barnard	Herger	Packard
Barrett	Holloway	Parker
Barton	Hopkins	Penny
Bliley	Horton	Pickett
Boehner	Hunter	Pursell
Burton	Ireland	Rhodes
Campbell (CA)	Johnson (TX)	Ritter
Campbell (CO)	Kolbe	Rohrabacher
Chandler	Kyl	Roukema
Clinger	Lagomarsino	Schaefer
Combest	Lent	Schroeder
Cox (CA)	Lewis (CA)	Shuster
Crane	Lowery (CA)	Skaggs
Cunningham	Luken	Smith (OR)
DeLay	Marlenee	Smith (TX)
Dornan (CA)	McCandless	Stump
Dreier	McCrery	Thomas (CA)
Fawell	Michel	Walker
Fields	Miller (OH)	Zeliff
Franks (CT)	Miller (WA)	
Gillmor	Molinari	

NOT VOTING—21

Coughlin	Jones (NC)	Solarz
Dymally	Kolter	Tallon
Feighan	Laughlin	Thomas (GA)
Frost	Lehman (FL)	Thomas (WY)
Hansen	Levine (CA)	Traxler
Hatcher	Peterson (FL)	Weber
Hyde	Ray	Yates

So the bill was passed.

On motion of Mr. MARKEY, pursuant to House Resolution 523, the bill of the Senate (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. MARKEY submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 4850 as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act 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."

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

On motion of Mr. MARKEY, pursuant to House Resolution 523, it was,

Resolved, That the House insist upon its amendments to the foregoing bill and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, H.R. 4850, a similar House bill, was laid on the table.

188.39 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MARKEY, by unanimous consent,

Ordered, That in the engrossment of the foregoing amendment, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

188.40 PROVIDING FOR THE CONSIDERATION OF H.R. 4312

Mr. WHEAT, by direction of the Committee on Rules, called up the following resolution (H. Res. 522):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(4) of rule XI are waived. After general debate, which shall be confined to the bill and which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. No further amendment shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII prior to the beginning of consideration of the bill. Debate on each amendment to the committee amendment in the nature of a substitute, including any amendments thereto, may not exceed twenty minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without inter-

vening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. WHEAT, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

188.41 VOTING RIGHTS ACT BILINGUAL ASSISTANCE

The SPEAKER pro tempore, Mr. MURTHA, pursuant to House Resolution 522 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements.

The SPEAKER pro tempore, Mr. MURTHA, by unanimous consent, designated Mrs. UNSOELD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. EDWARDS of California, assumed the Chair.

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

188.42 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3007. An Act to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center; to the Committee on Education and Labor.

188.43 ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 479. An Act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; and

H.R. 5343. An Act to make technical amendments to the Fair Packaging and Labeling Act with respect to its treatment of the SI metric system, and for other purposes.

188.44 SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 249. An Act for the relief of Trevor Henderson;

S. 992. An Act to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne of Henderson, NV;

S. 2938. An Act to authorize the Architect of the Capitol to acquire certain property; and

S.J. Res. 295. Joint resolution designating September 10, 1992, as "National DARE Day".

And then,

¶88.45 ADJOURNMENT

On motion of Mr. GONZALEZ, at 11 o'clock and 25 minutes p.m., the House adjourned.

¶88.46 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5291. A bill to provide for the temporary use of certain lands in the city of South Gate, CA, for elementary school purposes; with an amendment (Rept. No. 102-689). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 5056. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson; with amendments (Rept. No. 102-690). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 4323. A bill to improve education for all students by restructuring the education system in the States; with an amendment (Rept. No. 102-691). Referred to the Committee on the Whole House on the State of the Union.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3956. A bill to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes; with an amendment (Rept. No. 102-692). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1168. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances (Rept. No. 102-693). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5636. A bill to amend the Internal Revenue Code of 1986 to ensure that charitable beneficiaries of charitable remainder trusts are aware of their interests in such trusts (Rept. No. 102-694). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5637. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain buildings under the rehabilitation credit, and for other purposes (Rept. No. 102-695). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5638. A bill to amend the Internal Revenue Code of 1986 to permit losses on sales of certain prior principal residences to offset gain on a subsequent sale of a principal residence (Rept. No. 102-696). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5639. A bill to permit tax-exempt bonds to be issued to finance office buildings for the United Nations (Rept. No. 102-697). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5640. A bill to amend the In-

ternal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions (Rept. No. 102-698). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5642. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain property and casualty insurance companies under the minimum tax, and for other purposes (Rept. No. 102-699). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5645. A bill to amend the Internal Revenue Code of 1986 to exclude certain sponsorship payments from the unrelated business income of tax-exempt organizations, and for other purposes (Rept. No. 102-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5651. A bill to provide for the payment of retirement and survivor annuities to certain ex-spouses of employees of the Central Intelligence Agency and to provide for the tax treatment of certain disability benefits. (Rept. No. 102-701, Pt. 1). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5653. A bill to amend the Internal Revenue Code of 1986 to exempt the full amount of bonds issued for government-owned, high-speed intercity rail facilities from the State volume cap on private activity bonds and to require reporting of certain income and real property taxes (Rept. No. 102-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5660. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business, and for other purposes (Rept. No. 102-703). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 2694. A bill to amend title 11, District of Columbia Code, to remove gender-specific references (Rept. No. 102-704). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 5622. A bill to authorize an additional Federal contribution to the District of Columbia for fiscal year 1993 for youth and anticrime initiatives in the District of Columbia (Rept. No. 102-705). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 5623. A bill to waive the period of congressional review for certain District of Columbia acts (Rept. No. 102-706). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 527. Resolution 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. (Rept. No. 102-707). Referred to the House Calendar.

Mr. NATCHER: Committee on Appropriations. H.R. 5677. A bill 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. (Rept. No. 102-708). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 5678. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending Septem-

ber 30, 1993, and for other purposes. (Rept. No. 102-709). Referred to the Committee of the Whole House on the State of the Union.

Mr. TRAXLER: Committee on Appropriations. H.R. 5679. A bill 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. (Rept. No. 102-710). Referred to the Committee of the Whole House on the State of the Union.

¶88.47 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 918. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; with an amendment, referred to the Committee on Agriculture for a period ending not later than September 11, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X. (Rept. No. 102-711, Pt.1). Ordered to be printed.

¶88.48 SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 4731. Referral to the Committee on Energy and Commerce extended for a period ending not later than August 7, 1992.

¶88.49 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VANDER JAGT (for himself and Mr. THOMAS of California):

H.R. 5674. A bill to clarify the tax treatment of intermodal containers, to revise the tax treatment of small property and casualty insurance companies, and for other purposes; to the Committee on Ways and Means.

By Mr. ANTHONY:

H.R. 5675. A bill to amend the Internal Revenue Code of 1986 to permit regulations waiving yield restrictions on tax-exempt bond arbitrage if the arbitrage rebate requirements are met; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. STENHOLM, Mr. BEILENSON, Mr. PEASE, Mr. WISE, Mr. SPRATT, Mr. OBERSTAR, Mr. PAYNE of Virginia, Mr. ESPY, Mr. COOPER, Mr. SKAGGS, Mr. PENNY, Mr. SLATTERY, Mr. HUGHES, Mr. VISLOSKEY, and Mr. MORAN):

H.R. 5676. A bill to achieve a balanced Federal budget for fiscal year 1998 and each year thereafter, achieve significant deficit reduction in fiscal year 1993 and each year through 1998, establish a Board of Estimates, require the President's budget and the congressional budget process to meet specified deficit reduction and balance requirements, enforce those requirements through a multiyear congressional budget process and, if necessary, sequestration, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

By Mr. NATCHER:

H.R. 5677. A bill 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.

By Mr. SMITH of Iowa:
H.R. 5678. A bill making appropriations for the Departments of Commerce, Justice, and State, and Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

By Mr. TRAXLER:
H.R. 5679. A bill 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.

By Mr. ACKERMAN (for himself, Mr. BORSKI, Mr. BROWN, Mr. FLAKE, Mr. HOCHBRUECKNER, Mr. LANTOS, and Mr. RINALDO):

H.R. 5680. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mr. ATKINS (for himself, Mr. ENGEL, Mr. DONNELLY, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. STUDDS, Mr. MFUME, Mr. BORSKI, Ms. KAPTUR, and Mr. BLACKWELL):

H.R. 5681. A bill to increase the number of weeks for which emergency unemployment compensation is payable, and for other purposes; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. FOGLIETTA, and Mr. PALLONE):

H.R. 5682. A bill to provide more effective protection for marine mammals; jointly, to the Committees on Merchant Marine and Fisheries and Agriculture.

By Mr. DEFAZIO (for himself and Mr. AUCOIN):

H.R. 5683. A bill to authorize land consolidation and a recreational facility in the Willamette National Forest, OR; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. GLICKMAN:
H.R. 5684. A bill to require the Secretary of Transportation to require passenger and freight trains to install and use certain lights for purposes of safety; to the Committee on Energy and Commerce.

By Mr. MURPHY:
H.R. 5685. A bill to prevent States from reducing unemployment compensation benefits by certain remuneration for services in the military reserves; to the Committee on Ways and Means.

By Mr. RHODES (for himself, Mr. AUCOIN, and Mr. BEREUTER):

H.R. 5686. A bill to make technical amendments to certain Federal Indian statutes; to the Committee on Interior and Insular Affairs.

By Mr. SHAYS (for himself and Mr. MFUME):

H.R. 5687. A bill to amend title I of the Housing and Community Development Act of 1974 to establish an economic development block grant program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROOKS (for himself and Mr. FISH):

H.R. 5688. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. OLVER:
H. Res. 525. Resolution relating to the privileges of the House; considered and withdrawn.

By Mr. WALKER:
H. Res. 526. Resolution relating to the privileges of the House; laid on the table.

188.50 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

503. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the shipment of solid waste; to the Committee on Energy and Commerce.

504. Also, memorial of the Legislature of the State of Alaska, relative to implementation of the Indian Child Welfare Act; to the Committee on Interior and Insular Affairs.

505. Also, memorial of the Legislature of the State of Alaska, relative to commonwealth status for Guam; to the Committee on Interior and Insular Affairs.

506. Also, memorial of the Legislature of the State of Alaska, relative to native allotments process for the benefit of native military veterans; to the Committee on Interior and Insular Affairs.

507. Also, memorial of the Legislature of the State of Alaska, relative to Federal funding for the Alaska Volcano Observatory; to the Committee on Interior and Insular Affairs.

508. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to persecuted Haitians; to the Committee on the Judiciary.

509. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the Rodney King verdict; to the Committee on the Judiciary.

510. Also, memorial of the Legislature of the State of Alaska, relative to the Pan-American energy alliance; to the Committee on Ways and Means.

511. Also, memorial of the Legislature of the State of Alaska, relative to missing American service personnel; jointly, to the Committees on Foreign Affairs and Ways and Means.

188.51 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SANTORUM:
H.R. 5689. A bill for the relief of Wayne T. Alderson; to the Committee on Armed Services.

H. Con. Res. 351. Concurrent resolution expressing the sense of the Congress that the President should award a Medal of Honor to Wayne T. Alderson in recognition of acts performed at the risk of his life and beyond the call of duty while serving in the U.S. Army during World War II; to the Committee on Armed Services.

188.52 ADDITIONAL SPONSORS

H.R. 25: Mr. WILSON.
H.R. 75: Mr. PORTER.
H.R. 999: Mr. SMITH of New Jersey.
H.R. 1527: Mr. SMITH of New Jersey.
H.R. 1590: Mr. HERTEL and Mr. KANJORSKI.
H.R. 2390: Mr. ENGEL.
H.R. 3122: Mr. JAMES.
H.R. 3145: Mr. ALLEN and Mr. INHOFE.
H.R. 3164: Mr. HOCHBRUECKNER and Mr. GILCREST.
H.R. 3373: Mr. DOWNEY.
H.R. 3475: Ms. SNOWE, Mr. FEIGHAN, Mr. STOKES, Mr. FOGLIETTA, Mr. BORSKI, Mr. HERTEL, and Mrs. SCHROEDER.
H.R. 3476: Ms. SNOWE, Mr. FEIGHAN, Ms. NORTON, Mr. STOKES, Mr. FOGLIETTA, Mr. BORSKI, and Mrs. SCHROEDER.
H.R. 3677: Mr. SIKORSKI.
H.R. 3780: Mr. PALLONE.
H.R. 3794: Mr. MATSUI, Mr. ANDREWS of Maine, Ms. PELOSI, Mr. ZIMMER, and Mr. PALLONE.
H.R. 4230: Mr. FOGLIETTA.

H.R. 4325: Mr. SMITH of Iowa, Mr. HUGHES, Mr. BEILENSEN, Mr. BROWN, Mr. ANDREWS of Maine, Mr. MRAZEK, and Mr. JONTZ.

H.R. 4326: Mr. SMITH of Iowa, Mr. HUGHES, Mr. BEILENSEN, Mr. BROWN, Mr. ANDREWS of Maine, Mr. MRAZEK, and Mr. JONTZ.

H.R. 4327: Mr. SMITH of Iowa, Mr. HUGHES, Mr. BEILENSEN, Mr. BROWN, Mr. ANDREWS of Maine, Mr. MRAZEK, and Mr. JONTZ.

H.R. 4343: Mr. HAYES of Illinois.
H.R. 4406: Mr. PORTER.

H.R. 4543: Ms. HORN, Ms. KAPTUR, and Mr. HERTEL.

H.R. 4544: Mr. DEFAZIO.
H.R. 4700: Mrs. MEYERS of Kansas.

H.R. 4725: Mrs. ROUKEMA.

H.R. 4729: Mr. OWENS of New York, Mr. SWETT, and Mr. PASTOR.

H.R. 4755: Mr. LIGHTFOOT.

H.R. 4836: Mr. JOHNSON of South Dakota and Mr. ZELIFF.

H.R. 4882: Mr. KLECZKA, Mrs. UNSOELD, Mr. MCCLOSKEY, and Mr. FRANK of Massachusetts.

H.R. 4883: Mr. MARTINEZ, Mr. KLECZKA, Mrs. UNSOELD, Mr. MCCLOSKEY, and Mr. FRANK of Massachusetts.

H.R. 4884: Mr. SISISKY.

H.R. 4897: Mr. SOLOMON and Mr. BARTON of Texas.

H.R. 4912: Mr. BOEHNER, Mr. DELAY, and Mr. GALLEGLY.

H.R. 5201: Mr. PEASE and Mr. SCHEUER.

H.R. 5211: Ms. NORTON.

H.R. 5216: Mr. HUNTER.

H.R. 5237: Mr. DORGAN of North Dakota.

H.R. 5310: Mr. KENNEDY, Mr. FROST, Mr. JEFFERSON, Mr. BLAZ, and Mr. EVANS.

H.R. 5419: Ms. MOLINARI, Mr. JOHNSON of South Dakota, Mr. ASPIN, Mr. EVANS, Mr. GEREN of Texas, Mr. FOGLIETTA, and Mr. ATKINS.

H.R. 5449: Mr. LEVIN of Michigan, Mr. EVANS, Mr. OWENS of New York, and Mr. FOGLIETTA.

H.R. 5466: Mr. MCCLOSKEY and Ms. SNOWE.

H.R. 5475: Mr. BARNARD.

H.R. 5514: Mr. KOLTER.

H.R. 5538: Mr. EVANS, Mr. LIPINSKI, Mr. MURTHA, Mr. TORRES, and Mr. VENTO.

H.R. 5600: Mr. MATSUI, Mr. BORSKI, Mr. AUCOIN, Mr. FOGLIETTA, Ms. NORTON, Mr. SANDERS, Mr. BLACKWELL, Mr. HERTEL, Mr. DYMALLY, Mr. LAFALCE, Mr. HAYES of Illinois, Mr. MAZZOLI, Mr. SCHEUER, Mr. SIKORSKI, Mrs. SCHROEDER, Mrs. UNSOELD, Mr. KOPETSKI, Mr. RAHALL, Mr. BERMAN, and Mr. MARKEY.

H.J. Res. 1: Mr. LANTOS and Mr. SIKORSKI.
H.J. Res. 152: Mr. MOAKLEY, Mr. BLACKWELL, Mr. TORRICELLI, and Mr. TRAFICANT.

H.J. Res. 237: Mr. JOHNSON of South Dakota, Mr. PALLONE, Mr. DURBIN, Mrs. LLOYD, and Mr. COLEMAN of Texas.

H.J. Res. 336: Mr. ROSE.

H.J. Res. 353: Mr. BONIOR, Mr. DWYER of New Jersey, Mr. FISH, Mr. HASTERT, Mr. MANTON, Mr. MRAZEK, Mr. MURPHY, Mr. ROSE, Mr. SCHEUER, Mr. SOLARZ, Mr. STAGGERS, and Mr. YATRON.

H.J. Res. 380: Mr. PAXON, Mr. APPLGATE, Mr. BEVILL, Mr. BLILEY, Mr. POSHARD, Mr. JOHNSON of South Dakota, Mr. HAMMER-SCHMIDT, Mr. BOUCHER, Mr. BILBRAY, Mr. BROWN, Mr. HERTEL, Mr. DE LUGO, Mr. DORNAN of California, and Mr. BLACKWELL.

H.J. Res. 398: Mr. BONIOR, Mr. STOKES, Mr. STAGGERS, Mr. MOAKLEY, Mr. PACKARD, Mr. RINALDO, Mr. SISISKY, Mr. GEREN of Texas, Mr. PRICE, Ms. SLAUGHTER, Mr. WELDON, Mr. RIDGE, Mr. BLACKWELL, Mr. BUSTAMANTE, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. ROE, Mr. HANSEN, Mr. COLORADO, Mr. HOUGHTON, Mr. BROOKS, Mr. HOCHBRUECKNER, Mr. SCHIFF, Mr. LEWIS of Florida, Mr. GRANDY, Mr. GILCREST, Mr. SCHULZE, Mr. MORAN, Mr. BLAZ, Mr. ALLEN, and Mrs. VUCANOVICH.

H.J. Res. 399: Mr. COYNE.

H.J. Res. 452: Mr. ALEXANDER, Mr. KASICH, Mr. TALLON, Mr. DELAY, Mr. ANTHONY, Mr. MURPHY, Mr. STALLINGS, Mr. ROBERTS, Mr. ORTON, Mrs. UNSOELD, Mr. CALLAHAN, Mr. OXLEY, Mr. HUBBARD, Mr. HOBSON, Mr. YOUNG of Alaska, Mr. RHODES, Mr. WOLPE, Mr. ROSE, Mr. FISH, Ms. LONG, Mr. BRUCE, Mr. MCCLOSKEY, Mr. KILDEE, Mr. PARKER, Mr. PURSELL, Mr. JONTZ, Mr. FEIGHAN, Mr. RAVENEL, Mr. ANDREWS of Maine, Mr. HALL of Ohio, and Mr. KLUG.

H.J. Res. 483: Mr. ENGEL.

H.J. Res. 489: Mr. GEKAS, Mr. MCHUGH, Mr. ANDERSON, Mr. COX of California, Mr. HOCHBRUECKNER, Mr. HOUGHTON, Mr. BLILEY, Mr. LEWIS of California, and Mr. CONDIT.

H.J. Res. 523: Mr. KOLTER, Mr. NAGLE, Mr. HEFNER, Mr. KENNEDY, Mr. ARCHER, Mr. REGULA, and Mr. TOWNS.

H. Con. Res. 223: Mr. BLACKWELL, Mr. GILMAN, Ms. MOLINARI, Mr. PALLONE, Mr. VISCLOSKEY, and Mr. ZIMMER.

H. Con. Res. 344: Mr. ANDREWS of New Jersey, Ms. SLAUGHTER, Mr. PALLONE, Mr. DEFAZIO, Mrs. LLOYD, Mrs. UNSOELD, Mr. TOWNS, Mrs. KENNELLY, and Mr. FEIGHAN.

H. Con. Res. 347: Mr. MONTGOMERY, Mr. WAXMAN, Mr. DORNAN of California, Mr. BOUCHER, Mr. RITTER, Mr. FROST, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. BLACKWELL, and Mr. FAWELL.

H. Res. 388: Mr. GILMAN, Mr. SWETT, and Mr. BORSKI.

H. Res. 415: Mr. ANNUNZIO, Mr. ZIMMER, and Mr. HERTEL.

H. Res. 422: Ms. NORTON.

H. Res. 502: Mr. BAKER, Mr. SHAYS, and Mr. COX of California.

H. Res. 315: Mr. KOSTMAYER, Mr. SCHEUER, Mr. MAZZOLI, Mr. TOWNS, Mrs. JOHNSON of Connecticut, and Mr. HAYES of Illinois.

¶88.53 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

H.R. 1218: Mr. EDWARDS of Oklahoma.

FRIDAY, JULY 24, 1992 (89)

¶89.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HOYER, who laid before the House the following communication:

WASHINGTON, DC,

July 23, 1992.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore on Friday, July 24, 1992.

THOMAS S. FOLEY,

Speaker of the House of Representatives.

¶89.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOYER, announced he had examined and approved the Journal of the proceedings of Thursday, July 23, 1992.

Mr. MILLER of Washington, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, *viva voce*,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. HOYER, announced that the yeas had it.

Mr. MILLER of Washington objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HOYER, pursuant to clause 5, rule I, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶89.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3980. A letter from the Director, the Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1992-97, pursuant to 31 U.S.C. 1106(a) (H. Doc. No. 102365); to the Committee on Appropriations and ordered to be printed.

3981. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9250, "Safe Streets Forfeiture Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3982. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9251, "Tissue Transplantation Distribution Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3983. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9252, "Regional Airports Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3984. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9253, "District of Columbia Underground Storage Tank Management Act of 1990 Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3985. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9254, "District of Columbia Public Hall Regulation Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3986. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9255, "Uniform Disposition of Unclaimed Property Act of 1980 Dormancy and Clarifying Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3987. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9256, "Law Enforcement Witness Protection Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3988. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9257, "Zei Alley Designation Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3989. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9258, "Retired Police Officer Redeployment Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3990. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9259, "Prevention of Transmission of the Human Immunodeficiency Virus Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1233(c)(1); to the Committee on the District of Columbia.

3991. A letter from the Secretary of Education, transmitting notice of final priority for fiscal year 1993—Special projects and demonstrations for providing vocational rehabilitation services to individuals with severe handicaps—Hearing Research Center, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3992. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 9231), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3993. A letter from the Chief Judge, U.S. Court of Veterans Appeals, transmitting the annual estimate of the expenditures and appropriations necessary for the maintenance and operation of the Court of Veterans Appeals Retirement Fund; to the Committee on Government Operations.

3994. A letter from the Federal Aviation Administration, transmitting the 1990 through 1991 Aviation System Capacity Plan; to the Committee on Public Works and Transportation.

3995. A letter from the Clerk of the House, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 5 U.S.C. App. 6 103 (H. Doc. No. 101366); to the Committee on Standards of Official Conduct and ordered to be printed.

3996. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled "Housing and Community Development Act of 1992"; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

3997. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "Maritime Reform Act of 1992"; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

3998. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Workforce Quality and Federal Procurement; An Assessment"; jointly, to the Committees on Post Office and Civil Service and Government Operations.

¶89.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3289. An Act for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; and

H.R. 3836. An Act to provide for the management of Federal lands containing the Pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the Pacific yew.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2877. An Act entitled the "Interstate Transportation of Municipal Waste Act of 1992."

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 295) "An Act for the relief of Mary P. Carlton and Lee Alan Tan."

The message also announced that, pursuant to Public Law 101-549, the Chair, on behalf of the Republican leader, appointed Mr. John Doull of Kansas, to the Risk Assessment and Management Commission.

¶89.5 VOTING RIGHTS ACT BILINGUAL ASSISTANCE

The SPEAKER pro tempore, Mr. HOYER, pursuant to House Resolution