

Page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (47 U.S.C. 543(c)) is amended to read as follows:

“(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date.”

Page 127, line 4, strike “or 5 percent” and all that follows through “greater,” on line 6.

Page 129, strike lines 16 through 21 and insert the following:

“(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.”

Page 130, line 16, insert “and” after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

“directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system.”

Page 131, strike line 6 and all that follows through line 21, and insert the following:

“(m) SMALL CABLE SYSTEMS.—

“(1) SMALL CABLE SYSTEM RELIEF.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

“(2) DEFINITION OF SMALL CABLE SYSTEM.—For purposes of this subsection, ‘small cable system’ means a cable system that—

“(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

“(B) directly serves fewer than 10,000 cable subscribers in its franchise area.”

It was decided in the Yeas 148 negative Nays 275

109.8 [Roll No. 628] AYES—148

Table with 3 columns: Name, State, and Name, State. Lists names like Abercrombie, Baesler, Barcia, etc.

Table with 2 columns: Name, State. Lists names like Rivers, Roemer, Rogers, etc.

NOES—275

Table with 2 columns: Name, State. Lists names like Ackerman, Allard, Archer, etc.

Table with 2 columns: Name, State. Lists names like Torkildsen, Towns, Traficant, etc.

NOT VOTING—11

Table with 2 columns: Name, State. Lists names like Andrews, Bateman, Coburn, etc.

So the amendment was not agreed to.

109.9 RECORDED VOTE

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

Page 14, beginning on line 8, strike section 243 through page 16, line 9, and insert the following (and conform the table of contents accordingly):

SEC. 243. REMOVAL OF BARRIERS TO ENTRY.

(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services.

(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of a State or local government to impose, on a competitively neutral basis and consistent with section 247 (relating to universal service), requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) LOCAL GOVERNMENT AUTHORITY.—Nothing in this Act affects the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of the rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

It was decided in the affirmative Yeas 338 Nays 86

109.10 [Roll No. 629] AYES—338

Table with 3 columns: Name, State, and Name, State. Lists names like Abercrombie, Ackerman, Arney, etc.

Fields (LA)	Lightfoot	Roberts
Filner	Lincoln	Roemer
Flake	Linder	Ros-Lehtinen
Flanagan	Lipinski	Rose
Foglietta	Lofgren	Roth
Foley	Lowe	Roukema
Forbes	Lucas	Roybal-Allard
Ford	Luther	Rush
Fowler	Maloney	Sabo
Frank (MA)	Manton	Salmon
Frelinghuysen	Manzullo	Sanders
Frost	Markey	Sanford
Funderburk	Martinez	Sawyer
Furse	Martini	Saxton
Gallegly	Mascara	Schiff
Gejdenson	Matsui	Schroeder
Gekas	McCarthy	Schumer
Gephardt	McCollum	Scott
Geren	McDade	Seastrand
Gibbons	McDermott	Sensenbrenner
Gilchrest	McHale	Serrano
Gilman	McHugh	Shaw
Gonzalez	McIntosh	Shays
Goodlatte	McKeon	Shuster
Goodling	McKinney	Sisisky
Gordon	McNulty	Skaggs
Goss	Meehan	Skelton
Graham	Meek	Slaughter
Green	Menendez	Smith (MI)
Gutierrez	Meyers	Smith (NJ)
Hall (OH)	Mfume	Smith (TX)
Hall (TX)	Miller (CA)	Smith (WA)
Hamilton	Miller (FL)	Solomon
Harman	Mineta	Spence
Hastings (FL)	Minge	Spratt
Hastings (WA)	Mink	Stark
Hayes	Molinari	Stearns
Hayworth	Mollohan	Stenholm
Hefner	Montgomery	Stockman
Heineman	Moorhead	Stokes
Hilleary	Moran	Studds
Hilliard	Morella	Stupak
Hinche	Murtha	Tanner
Hobson	Myers	Tauzin
Hoekstra	Myrick	Taylor (MS)
Hoke	Nadler	Taylor (NC)
Holden	Neal	Tejeda
Horn	Nethercutt	Thomas
Hoyer	Neumann	Thompson
Hunter	Ney	Thornton
Hyde	Nussle	Tiahrt
Istook	Oberstar	Torkildsen
Jackson-Lee	Obey	Torres
Jacobs	Olver	Torricelli
Jefferson	Orton	Towns
Johnson (CT)	Owens	Trafficant
Johnson (SD)	Pallone	Tucker
Johnson, E.B.	Pastor	Upton
Johnson, Sam	Payne (NJ)	Velazquez
Johnston	Payne (VA)	Vento
Jones	Pelosi	Visclosky
Kanjorski	Peterson (FL)	Volkmer
Kaptur	Peterson (MN)	Waldholtz
Kasich	Petri	Walsh
Kelly	Pickett	Wamp
Kennedy (MA)	Pombo	Ward
Kennedy (RI)	Pomeroy	Waters
Kennelly	Porter	Watt (NC)
Kildee	Portman	Watts (OK)
Kim	Poshard	Waxman
Kingston	Pryce	Weldon (FL)
Klecicka	Quillen	Weldon (PA)
Klink	Quinn	Wilson
Klug	Radanovich	Wise
Knollenberg	Rahall	Wolf
LaFalce	Ramstad	Woolsey
LaHood	Rangel	Wyden
Lantos	Reed	Wynn
LaTourette	Regula	Yates
Levin	Richardson	Young (FL)
Lewis (GA)	Riggs	Zeliff
Lewis (KY)	Rivers	

NOES—86

Allard	Castle	Franks (CT)
Archer	Chabot	Franks (NJ)
Bachus	Chenoweth	Frisa
Baker (CA)	Christensen	Ganske
Ballenger	Coleman	Gillmor
Barrett (NE)	Combest	Greenwood
Bilbray	Cox	Gunderson
Bliley	Crapo	Gutknecht
Boehner	Creameans	Hancock
Bono	Deal	Hansen
Boucher	DeLay	Hastert
Bunn	Deutsch	Hefley
Bunning	Dickey	Heger
Burr	Ewing	Hostettler
Buyer	Fields (TX)	Houghton
Callahan	Fox	Inglis

King	Metcalfe	Souder
Kolbe	Mica	Stump
Largent	Norwood	Talent
Latham	Oxley	Tate
Laughlin	Packard	Thornberry
Lazio	Parker	Vucanovich
Leach	Paxon	Walker
Lewis (CA)	Rogers	Weller
Livingston	Rohrabacher	White
LoBiondo	Royce	Whitfield
Longley	Schaefer	Wicker
McCreery	Shadegg	Zimmer
McInnis	Skeen	

NOT VOTING—10

Andrews	Ortiz	Williams
Bateman	Reynolds	Young (AK)
Hutchinson	Scarborough	
Moakley	Thurman	

So the amendment was agreed to.

109.11 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. CONYERS:

Page 26, strike line 6 and insert the following:

“(C) COMMISSION AND ATTORNEY GENERAL REVIEW.—

Page 26, lines 8 and 10, page 27, lines 6 and 9, strike “Commission” and insert “Commission and Attorney General”.

Page 27, lines 4 and 12, insert “COMMISSION” before “DECISION”.

Page 27, after line 21, insert the following new paragraph:

“(5) ATTORNEY GENERAL DECISION.—

“(A) PUBLICATION.—Not later than 10 days after receiving a verification under this section, the Attorney General shall publish the verification in the Federal Register.

“(B) AVAILABILITY OF INFORMATION.—The Attorney General shall make available to the public all information (excluding trade secrets and privileged or confidential commercial or financial information) submitted by the Bell operating company in connection with the verification.

“(C) COMMENT PERIOD.—Not later than 45 days after a verification is published under subparagraph (A), interested persons may submit written comments to the Attorney General, regarding the verification. Submitted comments shall be available to the public.

“(D) DETERMINATION.—After the time for comment under subparagraph (C) has expired, but not later than 90 days after receiving a verification under this subsection, the Attorney General shall issue a written determination, with respect to approving the verification with respect to the authorization for which the Bell operating company has applied. If the Attorney General fails to issue such determination in the 90-day period beginning on the date the Attorney General receives such verification, the Attorney General shall be deemed to have issued a determination approving such verification on the last day of such period.

“(E) STANDARD FOR DECISION.—The Attorney General shall approve such verification unless the Attorney General finds there is a dangerous probability that such company or its affiliates would successfully use market power to substantially impede competition in the market such company seeks to enter.

“(F) PUBLICATION.—Not later than 10 days after issuing a determination under subparagraph (E), the Attorney General shall publish a brief description of the determination in the Federal Register.

“(G) FINALITY.—A determination made under subparagraph (E) shall be final unless a petition with respect to such determination is timely filed under subparagraph (H).

“(H) JUDICIAL REVIEW.—

“(i) FILING OF PETITION.—Not later than 30 days after a determination by the Attorney

General is published under subparagraph (F), the Bell operating company that submitted the verification, or any person who would be injured in its business or property as a result of the determination regarding such company’s engaging in provision of interLATA services, may file a petition for judicial review of the determination in the United States Court of Appeals for the District of Columbia Circuit. The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction to review determinations made under this paragraph.

“(ii) CERTIFICATION OF RECORD.—As part of the answer to the petition, the Attorney General shall file in such court a certified copy of the record upon which the determination is based.

“(iii) CONSOLIDATION OF PETITIONS.—The court shall consolidate for judicial review all petitions filed under this subparagraph with respect to the verification.

“(iv) JUDGMENT.—The court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code. The determination required by subparagraph (E) shall be affirmed by the court only if the court finds that the record certified pursuant to clause (ii) provides substantial evidence for that determination.”

Page 29, line 8, insert “and the Attorney General’s” after “the Commission’s”.

It was decided in the } Yeas 151
negative } Nays 271

109.12 [Roll No. 630]

AYES—151

Abercrombie	Goss	Owens
Ackerman	Green	Pastor
Barcia	Gutierrez	Payne (NJ)
Barrett (WI)	Hall (OH)	Pomeroy
Becerra	Heineman	Poshard
Beilenson	Hinche	Quillen
Bentsen	Hobson	Ramstad
Bereuter	Holden	Rangel
Berman	Hostettler	Reed
Bono	Hoyer	Richardson
Borski	Hyde	Rivers
Brown (CA)	Jackson-Lee	Rogers
Bryant (TX)	Jacobs	Rose
Bunn	Johnson (SD)	Roybal-Allard
Canady	Johnson, E. B.	Rush
Cardin	Johnston	Sabo
Chabot	Kanjorski	Sanders
Chapman	Kaptur	Sawyer
Clyburn	Kasich	Schiff
Coleman	Kildee	Schroeder
Collins (IL)	Klecicka	Schumer
Collins (MI)	Klink	Scott
Conyers	Knollenberg	Sensenbrenner
Cooley	LaFalce	Serrano
Costello	Lantos	Skelton
Coyne	LaTourette	Slaughter
Creameans	Leach	Smith (MI)
Cunningham	Levin	Spratt
Danner	Lewis (KY)	Stark
DeFazio	Lipinski	Stenholm
DeLauro	Lofgren	Stokes
Dellums	Luther	Studds
Dixon	Martinez	Stupak
Doggett	Matsui	Thomas
Durbin	McCarthy	Thornton
Edwards	McCollum	Torres
Evans	McDermott	Torricelli
Farr	McHale	Trafficant
Fawell	Meyers	Tucker
Fazio	Mfume	Velazquez
Filner	Miller (CA)	Vento
Flake	Mineta	Volkmer
Foglietta	Mink	Waters
Ford	Myers	Watt (NC)
Frost	Nadler	Waxman
Furse	Neumann	Whitfield
Gejdenson	Norwood	Woolsey
Gekas	Oberstar	Wyden
Gephardt	Obey	Yates
Gibbons	Olver	
Gonzalez	Orton	

NOES—271

Allard	Bachus	Baker (LA)
Archer	Baessler	Baldacci
Armey	Baker (CA)	Ballenger