

(b) DEFINITIONS.—For the purposes of this section—

(1) DIRECT-TO-HOME SATELLITE SERVICE.—The term "direct-to-home satellite service" means the transmission or broadcasting by satellite of programming directly to the subscribers' premises without the use of ground receiving or distribution equipment, except at the subscribers' premises or in the uplink process to the satellite.

(2) PROVIDER OF DIRECT-TO-HOME SATELLITE SERVICE.—For purposes of this section, a "provider of direct-to-home satellite service" means a person who transmits, broadcasts, sells, or distributes direct-to-home satellite service.

(3) LOCAL TAXING JURISDICTION.—The term "local taxing jurisdiction" means any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other local jurisdiction in the territorial jurisdiction of the United States with the authority to impose a tax or fee, but does not include a State.

(4) STATE.—The term "State" means any of the several States, the District of Columbia, or any territory or possession of the United States.

(5) TAX OR FEE.—The terms "tax" and "fee" mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction.

(c) PRESERVATION OF STATE AUTHORITY.—This section shall not be construed to prevent taxation of a provider of direct-to-home satellite service by a State or to prevent a local taxing jurisdiction from receiving revenue derived from a tax or fee imposed and collected by a State.

[41. Protection of Minors]

Page 167, after line 20, insert the following new section (and conform the table of contents accordingly):

SEC. 403. PROTECTION OF MINORS AND CLARIFICATION OF CURRENT LAWS REGARDING COMMUNICATION OF OBSCENE AND INDECENT MATERIALS THROUGH THE USE OF COMPUTERS.

(a) PROTECTION OF MINORS.—

(1) GENERALLY.—Section 1465 of title 18, United States Code, is amended by adding at the end the following:

"Whoever intentionally communicates by computer, in or affecting interstate or foreign commerce, to any person the communicator believes has not attained the age of 18 years, any material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs, or attempts to do so, shall be fined under this title or imprisoned not more than five years, or both."

(2) CONFORMING AMENDMENTS RELATING TO FORFEITURE.—

(A) Section 1467(a)(1) of title 18, United States Code, is amended by inserting "communicated," after "transported,".

(B) Section 1467 of title 18, United States Code, is amended in subsection (a)(1), by striking "obscene".

(C) Section 1469 of title 18, United States Code, is amended by inserting "communicated," after "transported," each place it appears.

(b) CLARIFICATION OF CURRENT LAWS REGARDING COMMUNICATION OF OBSCENE MATERIALS THROUGH THE USE OF COMPUTERS.—

(1) IMPORTATION OR TRANSPORTATION.—Section 1462 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting "(including by computer) after "thereof"; and

(B) in the second undesignated paragraph—

(i) by inserting "or receives," after "takes";

(ii) by inserting ", or by computer," after "common carrier"; and

(iii) by inserting "or importation" after "carriage".

(2) TRANSPORTATION FOR PURPOSES OF SALE OR DISTRIBUTION.—The first undesignated paragraph of section 1465 of title 18, United States Code, is amended—

(A) by striking "transports in" and inserting "transports or travels in, or uses a facility or means of,";

(B) by inserting "(including a computer in or affecting such commerce)" after "foreign commerce" the first place it appears; and

(C) by striking ", or knowingly travels in" and all that follows through "obscene material in interstate or foreign commerce," and inserting "of".

[42. Cable Access]

Page 170, line 21, after the period insert the following: "For purposes of section 242, such term shall not include the provision of video programming directly to subscribers."

It was decided in the } Yeas 256
affirmative } Nays 149

¶109.6

[Roll No. 627]

AYES—256

Ackerman	Dixon	Jones
Archer	Dooley	Kelly
Armey	Doolittle	Kennedy (MA)
Bachus	Dornan	Kennedy (RI)
Baker (LA)	Dreier	Kennelly
Ballenger	Dunn	Kildee
Barcia	Durbin	Kim
Barr	Ehlers	King
Barrett (NE)	Ehrlich	Kleczka
Barrett (WI)	Emerson	Klug
Bartlett	Eshoo	Knollenberg
Barton	Farr	LaHood
Bentsen	Fazio	LaTourette
Berman	Fields (TX)	Laughlin
Bevill	Flake	Levin
Bilbray	Flanagan	Lewis (CA)
Bilirakis	Foley	Lewis (GA)
Bishop	Ford	Lewis (KY)
Bibley	Fox	Lightfoot
Blute	Frank (MA)	Lincoln
Boehner	Franks (CT)	Linder
Bonilla	Frisa	Livingston
Bonior	Frost	LoBiondo
Bono	Funderburk	Longley
Boucher	Galleghy	Lowey
Brewster	Ganske	Manzullo
Browder	Gekas	Martini
Brown (CA)	Gephardt	McCrery
Brown (FL)	Geren	McHugh
Burr	Gilchrest	McInnis
Burton	Gillmor	McKeon
Buyer	Goodlatte	McKinney
Callahan	Goodling	Meek
Cardin	Goss	Menendez
Castle	Graham	Metcalf
Chabot	Greenwood	Mfume
Chambliss	Gunderson	Mica
Chenoweth	Gutierrez	Miller (CA)
Christensen	Gutknecht	Miller (FL)
Chrysler	Hall (OH)	Molinari
Clay	Hamilton	Mollohan
Clayton	Hansen	Montgomery
Clinger	Hastert	Moorehead
Clyburn	Hastings (FL)	Myers
Coburn	Hastings (WA)	Myrick
Coleman	Hayworth	Nadler
Combest	Hefner	Neal
Cox	Hilliard	Nethercutt
Cramer	Hobson	Ney
Crane	Hoekstra	Norwood
Crapo	Hoke	Nussle
Cubin	Hostettler	Olver
Deal	Hoyer	Orton
DeLay	Hunter	Oxley
Deutsch	Hutchinson	Packard
Diaz-Balart	Hyde	Parker
Dickey	Jackson-Lee	Pastor
Dicks	Jacobs	Paxon
Dingell	Johnson (CT)	Payne (NJ)
	Johnson, E.B.	Payne (VA)

Pelosi	Schaefer	Tejeda
Peterson (FL)	Schiff	Thompson
Peterson (MN)	Schroeder	Thornberry
Pickett	Schumer	Thornton
Pombo	Scott	Tiahrt
Pomeroy	Serrano	Torres
Porter	Shadegg	Torricelli
Portman	Shaw	Trafficant
Quinn	Shays	Upton
Radanovich	Shuster	Vucanovich
Rahall	Sisisky	Waldholtz
Ramstad	Skeen	Walker
Richardson	Smith (MI)	Walsh
Riggs	Smith (NJ)	Ward
Roberts	Smith (WA)	Watt (NC)
Roemer	Solomon	Weldon (FL)
Rogers	Souder	Weldon (PA)
Rohrabacher	Stearns	Weller
Ros-Lehtinen	Stockman	White
Roukema	Studds	Whitfield
Roybal-Allard	Stump	Wicker
Royce	Talent	Wise
Rush	Tate	Woolsey
Salmon	Tauzin	Wynn
Sawyer	Taylor (MS)	
Saxton	Taylor (NC)	

NOES—149

Abercrombie	Franks (NJ)	Meehan
Allard	Frelinghuysen	Meyers
Baesler	Furse	Mineta
Baker (CA)	Gejdenson	Minge
Baldacci	Gibbons	Mink
Bass	Gilman	Moran
Becerra	Gonzalez	Morella
Beilenson	Gordon	Murtha
Bereuter	Green	Neumann
Boehlert	Hall (TX)	Oberstar
Borski	Hancock	Obey
Brown (OH)	Harman	Pallone
Brownback	Hefley	Petri
Bryant (TN)	Heineman	Poshard
Bryant (TX)	Hilleary	Pryce
Bunn	Hinchev	Quillen
Bunning	Holden	Reed
Calvert	Horn	Regula
Canady	Houghton	Rivers
Chapman	Inglis	Roth
Clement	Istook	Sabo
Coble	Jefferson	Sanders
Collins (GA)	Johnson (SD)	Sanford
Collins (IL)	Johnson, Sam	Seastrand
Conyers	Johnston	Sensenbrenner
Costello	Kanjorski	Skaggs
Coyne	Kasich	Skelton
Creameans	Kingston	Slaughter
Cunningham	Klink	Smith (TX)
Danner	Kolbe	Spence
Davis	LaFalce	Stark
DeFazio	Lantos	Stenholm
DeLauro	Largent	Stokes
Dellums	Latham	Stupak
Doggett	Lazio	Tanner
Doyle	Leach	Thomas
Duncan	Lipinski	Torkildsen
Edwards	Lofgren	Velazquez
Engel	Lucas	Vento
English	Luther	Visclosky
Ensign	Manton	Volkmer
Evans	Markey	Wamp
Everett	Martinez	Waters
Ewing	Mascara	Watts (OK)
Fattah	Matsui	Wolf
Fawell	McCarthy	Wyden
Fields (LA)	McCollum	Yates
Foglietta	McDermott	Zeliff
Forbes	McHale	Zimmer
Fowler	McNulty	

NOT VOTING—29

Andrews	Maloney	Spratt
Bateman	McDade	Thurman
Collins (MI)	McIntosh	Towns
Condit	Moakley	Tucker
Cooley	Ortiz	Waxman
de la Garza	Owens	Williams
Filner	Rangel	Wilson
Hayes	Reynolds	Young (AK)
Herger	Rose	Young (FL)
Kaptur	Scarborough	

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

¶109.7 RECORDED VOTE

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

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, Armev, etc.