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2^D SESSION

H. R. 4522

IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Commerce, Science, and
Transportation

AN ACT

To amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Communica-
5 tions Commission Authorization Act of 1994”.

1 **SEC. 2. EXTENSION OF AUTHORITY.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 6 of the Communications Act of 1934 (47 U.S.C. 156)
4 is amended to read as follows:

5 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

6 “There are authorized to be appropriated for the ad-
7 ministration of this Act by the Commission \$186,000,000
8 for fiscal year 1995, together with such sums as may be
9 necessary for increases resulting from adjustments in sal-
10 ary, pay, retirement, other employee benefits required by
11 law, and other nondiscretionary costs, for fiscal year 1995.
12 Of the sum appropriated in each fiscal year under this
13 section, a portion, in an amount determined under section
14 9(b), shall be derived from fees authorized by section 9.”.

15 (b) TRAVEL AND REIMBURSEMENT PROGRAM.—Sub-
16 section (g) of section 4 of the Communications Act of
17 1934 (47 U.S.C. 154) is amended—

18 (1) by striking paragraph (2), and

19 (2) by redesignating paragraph (3) as (2).

20 (c) COMMUNICATIONS SUPPORT FROM OLDER AMER-
21 ICANS.—Section 6(a) of the Federal Communications
22 Commission Authorization Act of 1988 (47 U.S.C. 154
23 note) is amended by striking “fiscal years 1992 and 1993”
24 and inserting “fiscal year 1995”.

25 (d) HAWAII MONITORING STATION.—Section 9(a) of
26 the Federal Communications Commission Authorization

1 Act of 1988 (Public Law 100–594; 102 Stat. 3024) is
2 amended by striking “1991, 1992, 1993, and 1994” and
3 inserting “1995,”.

4 **SEC. 3. APPLICATION FEES.**

5 (a) SCHEDULE OF APPLICATION FEES FOR PCS.—

6 The schedule of application fees in section 8(g) of such
7 Act is amended by adding, at the end of the portion under
8 the heading “COMMON CARRIER SERVICES”, the following
9 new item:

“23. Personal communications services	
“a. Initial or new application	230
“b. Amendment to pending application	35
“c. Application for assignment or transfer of control	230
“d. Application for renewal of license	35
“e. Request for special temporary authority	200
“f. Notification of completion of construction	35
“g. Request to combine service areas	50”.

10 (b) VANITY CALL SIGNS.—

11 (1) LIFETIME LICENSE FEES.—

12 (A) AMENDMENT.—The schedule of appli-
13 cation fees in section 8(g) of such Act is further
14 amended by adding, at the end of the portion
15 under the heading “PRIVATE RADIO SERVICES”,
16 the following new item:

“11. Amateur vanity call signs	150.00”.
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17 (B) TREATMENT OF RECEIPTS.—Moneys
18 received from fees established under the amend-
19 ment made by this subsection shall be deposited
20 as an offsetting collection in, and credited to,

1 the account providing appropriations to carry
2 out the functions of the Commission.

3 (2) TERMINATION OF ANNUAL REGULATORY
4 FEES.—The schedule of regulatory fees in section
5 9(g) of such Act (47 U.S.C. 159(g)) is amended by
6 striking the following item from the fees applicable
7 to the Private Radio Bureau:

“Amateur vanity call-signs 7”.

8 (c) DESCRIPTION OF APPLICATION FUNCTIONS.—
9 Section 8(b) of such Act is amended by adding at the end
10 the following new paragraph:

11 “(3) Any fees established under this section shall be
12 assessed and collected to recover the costs of performing
13 application activities, including all executive and legal
14 costs incurred by the Commission in the discharge of these
15 activities.”.

16 **SEC. 4. REGULATORY FEES.**

17 (a) EXECUTIVE AND LEGAL COSTS.—Section 9(a)(1)
18 of the Communications Act of 1934 (47 U.S.C. 159(a)(1))
19 is amended by inserting before the period at the end the
20 following: “, and all executive and legal costs incurred by
21 the Commission in the discharge of these functions”.

22 (b) ESTABLISHMENT AND ADJUSTMENT.—Section
23 9(b) of such Act is amended—

24 (1) in paragraph (4)(B), by striking “90 days”
25 and inserting “45 days”; and

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

3 “(5) EFFECTIVE DATE OF ADJUSTMENTS.—The
4 Commission may continue to collect fees at the prior
5 year’s rate until the effective date of any fee adjust-
6 ment or amendment of that fee under this section.”.

7 (c) REGULATORY FEES FOR SATELLITE TV OPER-
8 ATIONS.—The schedule of regulatory fees in section 9(g)
9 of such Act is amended, in the fees applicable to the mass
10 media bureau, by inserting after each of the items pertain-
11 ing to construction permits in the fees applicable to VHF
12 commercial and UHF commercial TV the following new
13 item:

 “Terrestrial television satellite operations 500”.

14 (d) GOVERNMENTAL ENTITIES USE FOR COMMON
15 CARRIER PURPOSES.—Section 9(h) of such Act is amend-
16 ed by adding at the end the following new sentence: “The
17 exceptions provided by this subsection for governmental
18 entities shall not be applicable to any services that are pro-
19 vided on a commercial basis in competition with another
20 carrier.”.

21 (e) INFORMATION REQUIRED IN CONNECTION WITH
22 ADJUSTMENT OF REGULATORY FEES.—Title I of such
23 Act is amended—

24 (1) in section 9, by striking subsection (i); and

1 (2) by inserting after section 9 the following
2 new section:

3 **“SEC. 10. ACCOUNTING SYSTEM AND ADJUSTMENT INFOR-**
4 **MATION.**

5 “(a) ACCOUNTING SYSTEM REQUIRED.—The Com-
6 mission shall develop accounting systems for the purposes
7 of making any adjustments authorized by sections 8 and
8 9. The Commission shall annually prepare and submit to
9 the Congress an analysis of such systems and shall annu-
10 ally afford interested persons the opportunity to submit
11 comments concerning the allocation of the costs of per-
12 forming the functions described in section 8(b)(3) and
13 9(a)(1).

14 “(b) INFORMATION REQUIRED IN CONNECTION WITH
15 ADJUSTMENT OF APPLICATION AND REGULATORY
16 FEES.—

17 “(1) SCHEDULE OF REQUESTED AMOUNTS.—
18 No later than May 1 of each calendar year, the
19 Commission shall prepare and transmit to the Com-
20 mittees of Congress responsible for the Commis-
21 sion’s authorization and appropriations a detailed
22 schedule of the amounts requested by the Presi-
23 dent’s budget to be appropriated for the ensuing fis-
24 cal year for the activities described in sections

1 8(b)(3) and 9(a)(1), allocated by bureaus, divisions,
2 and offices of the Commission.

3 “(2) EXPLANATORY STATEMENT.—If the Com-
4 mission anticipates increases in the application fees
5 or regulatory fees applicable to any applicant, li-
6 censee, or unit subject to payment of fees, the Com-
7 mission shall submit to the Congress by May 1 of
8 such calendar year a statement explaining the rela-
9 tionship between any such increases and either (A)
10 increases in the amounts requested to be appro-
11 priated for Commission activities in connection with
12 such applicants, licensees, or units subject to pay-
13 ment of fees, or (B) additional activities to be per-
14 formed with respect to such applicants, licensees, or
15 units.

16 “(3) DEFINITION.—For purposes of this sub-
17 section, the term ‘amount requested by the Presi-
18 dent’s budget’ shall include any adjustments to such
19 requests that are made by May 1 of such calendar
20 year. If any such adjustment is made after May 1,
21 the Commission shall provide such Committees with
22 updated schedules and statements containing the in-
23 formation required by this subsection within 10 days
24 after the date of any such adjustment.”.

1 **SEC. 5. INSPECTION OF SHIP RADIO STATIONS.**

2 (a) CONTRACTING OUT INSPECTIONS.—Section
3 4(f)(3) of the Communications Act of 1934 (47 U.S.C.
4 154(f)(3)) is amended by adding at the end the following:
5 “Notwithstanding the preceding provisions of this para-
6 graph, the Commission may designate an entity to make
7 the inspections referred to in this paragraph instead of
8 using engineers in charge, radio engineers, or other field
9 employees.”.

10 (b) ANNUAL INSPECTION REQUIRED.—Section
11 362(b) of the Communications Act of 1934 (47 U.S.C.
12 360(b)) is amended—

13 (1) by striking “as may” in the third sentence
14 and inserting “as the Commission determines to”,
15 and

16 (2) by striking “thereby” in the fourth sentence
17 and all that follows and inserting the following:
18 “thereby—

19 “(1) waive the annual inspection required under
20 this section for a period of up to 90 days for the sole
21 purpose of enabling a vessel to complete its voyage
22 and proceed to a port in the United States where an
23 inspection can be held, or

24 “(2) waive the annual inspection required under
25 this section for a vessel that is in compliance with
26 the radio provisions of the Safety Convention and

1 that is operating solely in waters beyond the jurisdic-
2 tion of the United States, but the inspection shall
3 be performed within 30 days after the vessel's return
4 to the United States.”.

5 (c) CONFORMING AMENDMENT.—Section 385 of
6 the Communications Act of 1934 (47 U.S.C. 385) is
7 amended—

8 (1) by inserting “or an entity designated by the
9 Commission” after “Commission”, and

10 (2) by striking out “as may” and inserting “as
11 the Commission determines to”.

12 **SEC. 6. EXPEDITED ITFS PROCESSING.**

13 Section 5(c)(1) of the Communications Act of 1934
14 (47 U.S.C. 155(c)(1)) is amended by striking the last sen-
15 tence and inserting the following: “Except for cases involv-
16 ing the authorization of service in the Instructional Tele-
17 vision Fixed Service, or as otherwise provided in this Act,
18 nothing in this paragraph shall authorize the Commission
19 to provide for the conduct, by any person or persons other
20 than persons referred to in paragraph (2) or (3) of section
21 556(b) of title 5, United States Code, of any hearing to
22 which such section applies.”.

23 **SEC. 7. TARIFF REJECTION AUTHORITY.**

24 Section 203(d) of the Communications Act of 1934
25 (47 U.S.C. 203(d)) is amended by inserting after the first

1 sentence the following new sentences: “The Commission
2 may, after affording interested parties an opportunity to
3 comment, reject a proposed tariff filing in whole or in
4 part, if the filing or any part thereof is patently unlawful.
5 In evaluating whether a proposed tariff filing is patently
6 unlawful, the Commission may consider additional infor-
7 mation filed by the carrier or any interested party and
8 shall presume the facts alleged by the carrier to be true.”.

9 **SEC. 8. REFUND AUTHORITY.**

10 Title II of the Communications Act of 1934 (47
11 U.S.C. 201 et seq.) is amended by adding at the end there-
12 of the following new section:

13 **“SEC. 230. REFUND AUTHORITY.**

14 “In addition to any other provision of this Act under
15 which the Commission may order refunds, the Commission
16 may require by order the refund of such portion of any
17 charge by any carrier or carriers as results from a viola-
18 tion of sections 220 (a), (b), or (d) or 221 (c) or (d) or
19 of any of the rules promulgated pursuant to such sections
20 or pursuant to sections 215, 218, or 219. Such refunds
21 shall be ordered only to the extent that the Commission
22 or a court finds that such violation resulted in unlawful
23 charges and shall be made to such persons or classes of
24 persons as the Commission determines reasonably rep-
25 resent the persons from whom amounts were improperly

1 received by reason of such violation. No refunds shall be
2 required under this section unless—

3 “(1) the Commission issues an order advising
4 the carrier of its potential refund liability and pro-
5 vides the carrier with an opportunity to file written
6 comments as to why refunds should not be required;
7 and

8 “(2) such order is issued not later than 5 years
9 after the date the charge was paid.

10 In the case of a continuing violation, a violation shall be
11 considered to occur on each date that the violation is
12 repeated.”.

13 **SEC. 9. LICENSING OF AVIATION, MARITIME, AND PER-**
14 **SONAL RADIO SERVICES BY RULE.**

15 Section 307(e) of the Communications Act of 1934
16 (47 U.S.C. 307(e)) is amended to read as follows:

17 “(e)(1) Notwithstanding any license requirement es-
18 tablished in this Act, if the Commission determines that
19 such authorization serves the public interest, convenience,
20 and necessity, the Commission may by rule authorize the
21 operation of radio stations without individual licenses in
22 the following radio services: (A) the personal radio serv-
23 ices; (B) the aviation radio service for aircraft stations op-
24 erated on domestic flights when such aircraft are not oth-
25 erwise required to carry a radio station; and (C) the mari-

1 time radio service for ship stations navigated on domestic
2 voyages when such ships are not otherwise required to
3 carry a radio station.

4 “(2) Any radio station operator who is authorized by
5 the Commission to operate without an individual license
6 shall comply with all other provisions of this Act and with
7 rules prescribed by the Commission under this Act.

8 “(3) For purposes of this subsection, the terms ‘per-
9 sonal radio services’, ‘aircraft station’, and ‘ship station’
10 shall have the meanings given them by the Commission
11 by rule, except that the term ‘personal radio services’ shall
12 not include the amateur service.”.

13 **SEC. 10. AUCTION TECHNICAL AMENDMENTS.**

14 Section 309(j)(8) of the Communications Act of 1934
15 (47 U.S.C. 309(j)(8)) is amended—

16 “(1) by inserting “are authorized to remain
17 available until expended and” after “Such offsetting
18 collections” in the second sentence of subparagraph
19 (B), and

20 “(2) by adding at the end thereof the following:

21 “(C) REVENUES ON DEPOSIT.—The Commis-
22 sion is authorized, based on the competitive bidding
23 methodology selected, to provide for the deposit of
24 monies for bids in an interest-bearing account until
25 such time as the Commission accepts a deposit from

1 the high bidder. All interest earned on bid monies
2 received from the winning bidder shall be deposited
3 into the general fund of the Treasury. All interest
4 earned on bid monies deposited from unsuccessful
5 bidders shall be paid to those bidders, less any appli-
6 cable fees and penalties.”.

7 **SEC. 11. FORFEITURES FOR VIOLATIONS IMPERILING**
8 **SAFETY OF LIFE.**

9 (a) ADMINISTRATIVE SANCTIONS.—Section 312(a) of
10 the Communications Act of 1934 (47 U.S.C. 312(a)) is
11 amended—

12 (1) by striking “or” at the end of paragraph
13 (6);

14 (2) by striking the period at the end of para-
15 graph (7) and inserting “; or”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(8) for failure to comply with any requirement
19 of this Act or the Commission’s rules that imperils
20 the safety of life.”.

21 (b) FORFEITURES.—Section 503(b)(1) of such Act
22 (47 U.S.C. 503(b)(1)) is amended—

23 (1) by striking “or” at the end of subparagraph
24 (C);

1 (2) by striking the semicolon at the end of sub-
2 paragraph (D) and inserting “; or”; and

3 (3) by adding after subparagraph (D) the fol-
4 lowing new subparagraph:

5 “(E) failed to comply with any requirement of
6 this Act or the Commission’s rules that imperils the
7 safety of life;”.

8 **SEC. 12. USE OF EXPERTS AND CONSULTANTS.**

9 Section 4(f)(1) of the Communications Act of 1934
10 (47 U.S.C. 154) is amended by adding at the end thereof
11 the following: “The Commission may also procure the
12 services of experts and consultants in accordance with sec-
13 tion 3109 of title 5, United States Code, relating to ap-
14 pointments in the Federal Service, at rates of compensa-
15 tion for individuals not to exceed the daily rate equivalent
16 to the maximum rate payable for senior-level positions
17 under section 5276 of title 5, United States Code.”.

18 **SEC. 13. STATUTE OF LIMITATIONS FOR FORFEITURE PRO-**
19 **CEEDINGS AGAINST COMMON CARRIERS.**

20 Section 503(b)(6) of the Communications Act of
21 1934 (47 U.S.C. 503(b)(6)) is amended—

22 (1) by striking “or” at the end of subparagraph
23 (A);

24 (2) by inserting “and is not a common carrier”
25 after “title III of this Act” in subparagraph (B);

1 (3) by redesignating subparagraph (B) as sub-
2 paragraph (C); and

3 (4) by inserting after subparagraph (A) the fol-
4 lowing new subparagraph:

5 “(B) such person is a common carrier and the
6 required notice of apparent liability is issued more
7 than 5 years after the date the violation charged oc-
8 curred; or”.

9 **SEC. 14. UTILIZATION OF FM BAND FOR ASSISTIVE DE-**
10 **VICES FOR HEARING IMPAIRED INDIVID-**
11 **UALS.**

12 Within 6 months after the date of enactment of this
13 Act, the Federal Communications Commission shall report
14 to the Congress on the existing and future use of the FM
15 band to facilitate the use of auditory assistive devices for
16 individuals with hearing impairments. In preparing such
17 report, the Commission shall consider—

18 (1) the potential for utilizing FM band auditory
19 assistive devices to comply with the Americans with
20 Disabilities Act;

21 (2) the impact on such compliance of the vul-
22 nerability of such devices to harmful interference
23 from radio licensees; and

24 (3) alternative frequency allocations that could
25 facilitate such compliance.

1 **SEC. 15. TECHNICAL AMENDMENT.**

2 Section 302(d)(1) of the Communications Act of
3 1934 (47 U.S.C. 309(d)(1)) is amended—

4 (1) in subparagraph (A), by striking “allocated
5 to the domestic cellular radio telecommunications
6 service” and inserting “utilized to provide commer-
7 cial mobile service (as defined in section 332(d))”;
8 and

9 (2) in subparagraph (C), by striking “cellular”
10 and inserting “commercial mobile service”.

Passed the House of Representatives October 7,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.