

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”.

6 **SEC. 2. EXTENSION OF AUTHORITY.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
8 6 of the Communications Act of 1934 (47 U.S.C. 156)
9 is amended to read as follows:

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

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

11 (b) TRAVEL AND REIMBURSEMENT PROGRAM.—Sub-
12 section (g) of section 4 of the Communications Act of
13 1934 (47 U.S.C. 154) is amended—

14 (1) by striking paragraph (2), and
15 (2) by redesignating paragraph (3) as (2).

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

21 (d) HAWAII MONITORING STATION.—Section 9(a) of
22 the Federal Communications Commission Authorization
23 Act of 1988 (Public Law 100-594; 102 Stat. 3024) is
24 amended by striking “1991, 1992, 1993, and 1994” and
25 inserting “1995.”.

1 **SEC. 3. APPLICATION FEES.**

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

3 The schedule of application fees in section 8(g) of such
 4 Act is amended by adding, at the end of the portion under
 5 the heading “COMMON CARRIER SERVICES”, the following
 6 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”.

7 (b) VANITY CALL SIGNS.—

8 (1) LIFETIME LICENSE FEES.—

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

“11. Amateur vanity call signs	150.00”.
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14 (B) TREATMENT OF RECEIPTS.—Moneys
 15 received from fees established under the amend-
 16 ment made by this subsection shall be deposited
 17 as an offsetting collection in, and credited to,
 18 the account providing appropriations to carry
 19 out the functions of the Commission.

20 (2) TERMINATION OF ANNUAL REGULATORY
 21 FEES.—The schedule of regulatory fees in section

1 9(g) of such Act (47 U.S.C. 159(g)) is amended by
2 striking the following item from the fees applicable
3 to the Private Radio Bureau:

“Amateur vanity call-signs 7”.

4 (c) DESCRIPTION OF APPLICATION FUNCTIONS.—

5 Section 8(b) of such Act is amended by adding at the end
6 the following new paragraph:

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

12 **SEC. 4. REGULATORY FEES.**

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

18 (b) ESTABLISHMENT AND ADJUSTMENT.—Section
19 9(b) of such Act is amended—

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

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

24 “(5) EFFECTIVE DATE OF ADJUSTMENTS.—The
25 Commission may continue to collect fees at the prior

1 year's rate until the effective date of any fee adjust-
2 ment or amendment of that fee under this section.”.

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

“Terrestrial television satellite operations 500”.

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

17 (e) INFORMATION REQUIRED IN CONNECTION WITH
18 ADJUSTMENT OF REGULATORY FEES.—Title I of such
19 Act is amended—

20 (1) in section 9, by striking subsection (i); and
21 (2) by inserting after section 9 the following
22 new section:

1 "SEC. 10. ACCOUNTING SYSTEM AND ADJUSTMENT INFOR- 2 MATION.

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

12 "(b) INFORMATION REQUIRED IN CONNECTION
13 WITH ADJUSTMENT OF APPLICATION AND REGULATORY
14 FEES.—

15 “(1) SCHEDULE OF REQUESTED AMOUNTS.—
16 No later than May 1 of each calendar year, the
17 Commission shall prepare and transmit to the Com-
18 mittees of Congress responsible for the Commis-
19 sion’s authorization and appropriations a detailed
20 schedule of the amounts requested by the Presi-
21 dent’s budget to be appropriated for the ensuing fis-
22 cal year for the activities described in sections
23 8(b)(3) and 9(a)(1), allocated by bureaus, divisions,
24 and offices of the Commission.

25 “(2) EXPLANATORY STATEMENT.—If the Com-
26 mission anticipates increases in the application fees

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

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

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

22 (a) CONTRACTING OUT INSPECTIONS.—Section
23 4(f)(3) of the Communications Act of 1934 (47 U.S.C.
24 154(f)(3)) is amended by adding at the end the following:
25 “Notwithstanding the preceding provisions of this para-

1 graph, the Commission may designate an entity to make
2 the inspections referred to in this paragraph instead of
3 using engineers in charge, radio engineers, or other field
4 employees.”.

5 (b) ANNUAL INSPECTION REQUIRED.—Section
6 362(b) of the Communications Act of 1934 (47 U.S.C.
7 360(b)) is amended—

8 (1) by striking “as may” in the third sentence
9 and inserting “as the Commission determines to”,
10 and

11 (2) by striking “thereby” in the fourth sentence
12 and all that follows and inserting the following:
13 “thereby—

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

19 “(2) waive the annual inspection required under
20 this section for a vessel that is in compliance with
21 the radio provisions of the Safety Convention and
22 that is operating solely in waters beyond the juris-
23 diction of the United States, but the inspection shall
24 be performed within 30 days after the vessel’s return
25 to the United States.”.

1 (c) CONFORMING AMENDMENT.—Section 385 of the
2 Communications Act of 1934 (47 U.S.C. 385) is amend-
3 ed—

4 (1) by inserting “or an entity designated by the
5 Commission” after “Commission”, and
6 (2) by striking out “as may” and inserting “as
7 the Commission determines to”.

8 **SEC. 6. EXPEDITED ITFS PROCESSING.**

9 Section 5(c)(1) of the Communications Act of 1934
10 (47 U.S.C. 155(c)(1)) is amended by striking the last sen-
11 tence and inserting the following: “Except for cases involv-
12 ing the authorization of service in the Instructional Tele-
13 vision Fixed Service, or as otherwise provided in this Act,
14 nothing in this paragraph shall authorize the Commission
15 to provide for the conduct, by any person or persons other
16 than persons referred to in paragraph (2) or (3) of section
17 556(b) of title 5, United States Code, of any hearing to
18 which such section applies.”.

19 **SEC. 7. TARIFF REJECTION AUTHORITY.**

20 Section 203(d) of the Communications Act of 1934
21 (47 U.S.C. 203(d)) is amended by inserting after the first
22 sentence the following new sentences: “The Commission
23 may, after affording interested parties an opportunity to
24 comment, reject a proposed tariff filing in whole or in
25 part, if the filing or any part thereof is patently unlawful.

1 In evaluating whether a proposed tariff filing is patently
2 unlawful, the Commission may consider additional infor-
3 mation filed by the carrier or any interested party and
4 shall presume the facts alleged by the carrier to be true.”.

5 **SEC. 8. REFUND AUTHORITY.**

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

9 **“SEC. 230. REFUND AUTHORITY.**

10 “In addition to any other provision of this Act under
11 which the Commission may order refunds, the Commission
12 may require by order the refund of such portion of any
13 charge by any carrier or carriers as results from a viola-
14 tion of section 220 (a), (b), or (d) or 221 (c) or (d) or
15 of any of the rules promulgated pursuant to such sections
16 or pursuant to section 215, 218, or 219. Such refunds
17 shall be ordered only to the extent that the Commission
18 or a court finds that such violation resulted in unlawful
19 charges and shall be made to such persons or classes of
20 persons as the Commission determines reasonably rep-
21 resent the persons from whom amounts were improperly
22 received by reason of such violation. No refunds shall be
23 required under this section unless—

24 “(1) the Commission issues an order advising
25 the carrier of its potential refund liability and pro-

1 vides the carrier with an opportunity to file written
2 comments as to why refunds should not be required;
3 and

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

6 In the case of a continuing violation, a violation shall be
7 considered to occur on each date that the violation is re-
8 peated.”.

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

11 Section 307(e) of the Communications Act of 1934
12 (47 U.S.C. 307(e)) is amended to read as follows:

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

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

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

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

11 Section 309(j)(8) of the Communications Act of 1934
12 (47 U.S.C. 309(j)(8)) is amended—

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

17 (2) by adding at the end thereof the following:

18 “(C) REVENUES ON DEPOSIT.—The Commis-
19 sion is authorized, based on the competitive bidding
20 methodology selected, to provide for the deposit of
21 monies for bids in an interest-bearing account until
22 such time as the Commission accepts a deposit from
23 the high bidder. All interest earned on bid monies
24 received from the winning bidder shall be deposited
25 into the general fund of the Treasury. All interest

1 earned on bid monies deposited from unsuccessful
2 bidders shall be paid to those bidders, less any appli-
3 cable fees and penalties.”.

4 **SEC. 11. FORFEITURES FOR VIOLATIONS IMPERILING**
5 **SAFETY OF LIFE.**

6 (a) ADMINISTRATIVE SANCTIONS.—Section 312(a) of
7 the Communications Act of 1934 (47 U.S.C. 312(a)) is
8 amended—

9 (1) by striking “or” at the end of paragraph
10 (6);

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

13 (3) by adding at the end the following new
14 paragraph:

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

18 (b) FORFEITURES.—Section 503(b)(1) of such Act
19 (47 U.S.C. 503(b)(1)) is amended—

20 (1) by striking “or” at the end of subparagraph
21 (C);

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

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

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

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

5 Section 4(f)(1) of the Communications Act of 1934
6 (47 U.S.C. 154) is amended by adding at the end thereof
7 the following: “The Commission may also procure the
8 services of experts and consultants in accordance with sec-
9 tion 3109 of title 5, United States Code, relating to ap-
10 pointments in the Federal Service, at rates of compensa-
11 tion for individuals not to exceed the daily rate equivalent
12 to the maximum rate payable for senior-level positions
13 under section 5276 of title 5, United States Code.”.

14 **SEC. 13. STATUTE OF LIMITATIONS FOR FORFEITURE PRO-**

15 **CEEDINGS AGAINST COMMON CARRIERS.**

16 Section 503(b)(6) of the Communications Act of
17 1934 (47 U.S.C. 503(b)(6)) is amended—

18 (1) by striking “or” at the end of subparagraph
19 (A);

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

22 (3) by redesignating subparagraph (B) as sub-
23 paragraph (C); and

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

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

5 **SEC. 14. UTILIZATION OF FM BAND FOR ASSISTIVE DE-**
6 **VICES FOR HEARING-IMPAIRED INDIVID-**
7 **UALS.**

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

14 (1) the potential for utilizing FM band auditory
15 assistive devices to comply with the Americans with
16 Disabilities Act;

17 (2) the impact on such compliance of the vul-
18 nerability of such devices to harmful interference
19 from radio licensees; and

20 (3) alternative frequency allocations that could
21 facilitate such compliance.

22 **SEC. 15. TECHNICAL AMENDMENT.**

23 Section 302(d)(1) of the Communications Act of
24 1934 (47 U.S.C. 309(d)(1)) is amended—

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

Passed the House of Representatives October 7, 1994.

Attest:

Clerk.

103D CONGRESS
2D SESSION

H. R. 4522

AN ACT

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