Executive Session # 4 109th Congress, 2nd Session

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

EXECUTIVE SESSION AMENDMENT LIST

THURSDAY, JUNE 22, 2006, 2:00 P.M., ROOM SH-216

ITEM#1 HR.5252 COMMUNICATIONS, CONSUMERS' CHOICE, AND BROADBAND DEPLOYMENT ACT OF 2006 [STEVENS]

MANAGER'S PACKAGE

STEVENS #1 To modify the substitute.

SECOND DEGREE STEVENS #1 To modify page numbers.

SECOND DEGREE ALLEN #1 To give State attorney generals enforcement authority.

STEVENS #2 To rename the short title of the bill.

TITLE I- WAR ON TERRORISM

VITTER/STEVENS #1 To expedite the awarding of public safety interoperable communications grants.

SECOND DEGREE STEVENS #1 To require the funds to be distributed within 30 days after the date of enactment of the Act

SECOND DEGREE STEVENS #2 To increase the amount to be awarded to \$1 billion by March 31, 2008.

SECOND DEGREE STEVENS #3 To make the deadline 1 year sooner.

INOUYE #1 To impose a public interest requirement on the seamless mobility streamlined process directive.

MCCAIN/BOXER #1 To improve the process for interoperability grant distributions.

MCCAIN/BOXER #2 To move the administration of the public safety grant program from the Department of Commerce to the Department of Homeland Security.

MCCAIN/BOXER #3 To make grant distributions based on risk as recommended by the 9/11 Commission.

DORGAN #1 To require the FCC to evaluate all possible systems, including airborne, near space systems, in examining the feasibility of emergency back-up communications systems.

BOXER #1 To require the establishment of a grant distribution process in the distribution of certain grants.

NELSON FL #1 To require interoperability grant funds for E-911 public safety systems.

NELSON FL/MCCAIN #1 To help protect disabled access to new communications technologies.

CANTWELL #1 To provide for interoperable systems and equipment in connection with the 2010 Olympics.

CANTWELL #2 To expedite the 800 megaHertz rebanding in border States.

LAUTENBERG #1 To reallocate funds to public safety agencies.

LAUTENBERG #2 To reallocate funds to public safety agencies.

LAUTENBERG #3 To ensure that the funds for State grants for emergencies and natural disasters such as hurricanes, forest fires, and mining accidents come only from the discretionary State funds rather than the anti-terrorism funds.

LAUTENBERG #4 Removing State grants for emergencies and natural disasters.

TITLE II- UNIVERSAL SERVICE REFORM; INTERCONNECTION

MCCAIN #1 To prohibit exemption of the Universal Service Fund from congressional and executive budget and finance rules.

MCCAIN #2 To cap the Universal Service Fund at \$6,520,066,000.

MCCAIN #3 To return to the use of the word "explicit" in the Communications Act of 1934, with respect to standards for the provision of universal service.

INOUYE #1 To improve Universal Service support of high-cost communications transport services in insular areas.

INOUYE #2 To strike preemption of State IP-enabled video service regulation.

INOUYE #3 To preserve certain obligations in business markets and to preserve interconnection for voice services.

BURNS #1 To clarify treatment of rural carriers.

BURNS #2 To preserve the interconnection exemption provisions for 2% carriers by striking the language on page 27 at lines 21-23.

SECOND DEGREE STEVENS #1 To clarify treatment of certain rural carriers.

ROCKEFELLER #1 To provide discounts on telecommunications services to first responders.

ROCKEFELLER #2 To provide discounts on telecommunications services to first responders.

ROCKEFELLER #3 To clarify to which providers IP-enabled service providers owe compensation.

ROCKEFELLER #4 To ensure IP-enabled voice service providers are subject to the rules regarding provision of payphone service.

ROCKEFELLER #5 To reform the Universal Service Fund contribution method.

SNOWE/ROCKEFELLER #1 To establish a new performance goal for the Schools and Libraries Program.

DORGAN #1 To require the FCC to submit its new Universal Service contribution rules to the Congress.

DORGAN #2 To strike VoIP preemption.

DORGAN/BURNS #1 To clarify the application of State laws of general applicability to IP-enabled voice service providers.

ENSIGN #1 To prohibit unauthorized and inappropriate uses of e-Rate funds.

ENSIGN #2 To minimize fraud, waste, and abuse in the e-Rate program.

ENSIGN #3 To ensure consumers are aware of the source of items in their phone bill.

BOXER #1 To exempt certain communications services from making Universal Service contributions.

ALLEN #1 To modify the definition of facilities-based, with respect to IP-enabled voice service providers.

ALLEN #2 To modify a provision relating to rights and obligations of IP-enabled voice service providers.

NELSON FL #1 To amend the low-volume adjustment in the Universal Service Fund contribution mechanism.

NELSON FL #2 To address continued State jurisdiction over 911 and E911 IP-enabled voice service providers.

SUNUNU #1 To create a State pilot project.

SUNUNU #2 To revise the Schools and Libraries Program under the Universal Service Fund.

SUNUNU #3 To address administrative costs associated with the collection of Universal Service fees.

SECOND DEGREE SUNUNU #2 To modify compensation payments and for other purposes

SUNUNU #4 To require compensation with respect to traffic that originates or terminates on the public switched telephone network.

SUNUNU #5 To clarify certain jurisdictional issues.

SECOND DEGREE SUNUNU #3 To modify certain jurisdictional issues with regard to State rights

CANTWELL #1 To include in the Universal Service contributions criteria principles of equity, nondiscrimination, and protection of consumer interests.

CANTWELL #2 To provide for a Universal Service Fund contribution exemption for certain nonprofit organizations.

CANTWELL #3 To understand better the patterns of broadband deployment.

CANTWELL #4 To improve the accountability of the Broadband for Unserved Areas Program.

CANTWELL #5 To include cost recovery mechanisms in the network traffic identification rulemaking.

CANTWELL #6 To enable the FCC to discourage number hoarding by communications service providers so area codes do not have to split prematurely.

DEMINT #1 To establish performance goals and measures for certain services receiving Federal Universal Service support.

DEMINT #2 To minimize the secondary economic and social costs of raising the required revenues for Universal Service support.

DEMINT #3 To strike the Broadband for Unserved Areas Program.

SECOND DEGREE SMITH #1 To reinstate the Broadband for Unserved Areas Program with a 7-year sunset.

DEMINT #4 To permit the FCC to limit subsidy for universal support to a single line per household.

DEMINT #5 To prohibit the use of Universal Service support for cellular telephones, warranties, and long distance.

DEMINT #6 To provide a level playing field for cable operators and video service providers in franchise areas with multiple providers .

NELSON NE #1 To allocate revenues between various services when services are bundled.

SECOND DEGREE SUNUNU #4 To modify provisions relating to interstate components of universal service contributions

NELSON NE #2 To provide access to Universal Service funds to certain health care providers for rural areas.

SECOND DEGREE SUNUNU #1 To promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

PRYOR #1 To delete the 2-way capability component from the definition of IP-enabled voice service in the Universal Service provisions.

TITLE III- STREAMLINING THE FRANCHISING PROCESS

STEVENS #1 : To make changes in the approval schedule for franchise applications.

STEVENS #2 To make clear that the State preemption provisions do not affect tax laws.

INOUYE #1 : To preserve existing section 612.

INOUYE #2 : To restate the prohibition on State regulation of direct broadcast satellite services as a rule of construction for the Communications Act of 1934.

INOUYE #3 : To add a definition of the term "franchise area" for Title VI of the Communications Act of 1934.

INOUYE #4 : To permit additional blank spaces on the franchise application.

INOUYE #5 : To restore the existing law provisions regarding use of the public rightsof-way.

INOUYE #6 : To include one-time and lump-sum payments in computation of a video service provider's fee for PEG and institutional network support.

INOUYE #7 : To strike the GAAP requirement for determining franchise fees.

INOUYE #8 : To restore the equal employment opportunity enforcement authority of States and franchising authorities.

INOUYE #9 : To strike the deletion of section 624(e) of the Communications Act of 1934.

INOUYE #10 : To strike the complaint evaluation guideline in the redlining section.

INOUYE #11 : To strike the limitations subsection in the redlining section.

INOUYE #12 : Relating to redlining.

INOUYE #13 : Relating to internet video.

INOUYE #14 : To strike preemption of State IP-enabled video service regulation.

INOUYE #15 : Relating to PEG and institutional network support.

INOUYE #16 : To provide a substitute Title III.

INOUYE #17 To provide for balanced deployment of video service.

MCCAIN#1 : To provide regulatory relief to video service providers who offer a-lacarte programming for cable television.

MCCAIN #2 : To provide a national franchise and other regulatory relief to video service providers who offer a-la-carte programming for cable television.

MCCAIN#3 : To grant significant regulatory relief to video service providers who agree to both offer cable channels on an *a la carte* basis to subscribers and not prohibit any channel owned by the video service provider from being sold individually.

MCCAIN#4 : To address the treatment of the gross revenues of video service providers.

MCCAIN#5 : To limit franchise fees imposed on video service providers.

ROCKEFELLER #1 : To require the FCC to finish its Notice of Inquiry with respect to violent television programming and its impact on children.

SMITH/ROCKEFELLER #1 : To foster video competition and broadband deployment.

SMITH #1 : To require that all lump sum payments for the provision of public, educational, and governmental channels, be amortized across the length of a franchise.

KERRY#1 : To strike section 336 of the substitute.

ENSIGN#1 : To speed the deployment of broadband and the arrival of video choice for consumers.

ENSIGN #2 : To ensure services that are primarily satellite based are not included in the definition of video service provider.

ENSIGN #3 : To ensure cities do not abuse the right-of-way management process to block or delay video competition.

ENSIGN #4 : To clarify support for PEG channels.

ENSIGN #5 : To avoid frivolous audit procedures that will increase consumer costs.

ENSIGN #6 : To establish an enforcement mechanism that ensures consumers are compensated.

ENSIGN #7 : To ensure that taxpayer interests and the free market are protected.

ENSIGN #8 : To limit class actions relating to the video franchising process.

SECOND DEGREE ALLLEN #1 To limit class actions.

DORGAN #1 : To strike the repeal of Section 617.

DORGAN #2 : To establish a definition of franchise area to ensure nondiscriminatory availability of video services .

ALLEN #1 : To make a technical amendment with respect to definitions.

BOXER#1 : To address the preservation of basic tier regulation.

BOXER #2 : To make the granting of a standard franchise to a new entrant the trigger for applying the amended title VI to existing franchisees.

BOXER #3 : To address penalties for violations by video service providers.

BOXER #4 : To ensure certain disclosures are included on the standard franchise application form and permit franchising authority to deny applicant of bad actors.

BOXER #5 : To strike "willfully and repeatedly" requirement for violations for which a franchise may be revoked.

BOXER #6 : To proscribe certain limitations on regulations regarding consumer protection and consumer service.

BOXER #7 : To require certain information to be provided by a video service provider on a franchising application.

BOXER #8 : To broaden the savings clause for State laws of general applicability.

BOXER #9: : To require the FCC to submit a report regarding the appeals process for enforcement actions taken against video service providers by a franchising authority.

BOXER #10 : To require a cable operator or video service provider to construct a new institutional network under certain circumstances.

BOXER/KERRY #1 To provide for balanced deployment of video services. **DEMINT #1** : To ensure customers are aware of the origin of the charges on their video service bills, and to encourage accountability for those fees collected.

DEMINT #2 : To modify a provision relating to deemed approval of a franchise application.

DEMINT #3 : To modify a provision relating to deemed approval of a franchise application.

DEMINT #4 : To amend the franchise fee provision.

DEMINT #5 : To add a section relating to federal review.

SECOND DEGREE PRYOR #1 To address rulemaking relating to mobile service.

DEMINT #6: : To revise the definition of video service provider.

DEMINT #7 : To provide a level playing field for cable operators and video service providers in franchise areas with multiple providers .

DEMINT #8 : To provide a level playing field for cable operators and video service providers .

LAUTENBERG #1 : To strike the amendment of section 601.

LAUTENBERG #2 : To revise section 336 (relating to consumer protection and customer service) to permit only State enactment of consumer protection and customer service laws but permit State and local enforcement of such laws.

LAUTENBERG #3 : This amendment retains Title VI in states with statewide franchises as of Dec 31, 2006.

SECOND DEGREE STEVENS #1 To terminate the grandfathering period on December 31, 2016.

SECOND DEGREE INOUYE #1 To terminate the grandfathering period on December 31, 2016.

LAUTENBERG #4 : This amendment grandfathers statewide franchise enacted by a State prior to October 1, 2006.

SECOND DEGREE STEVENS #2 To terminate the grandfathering period on December 31, 2016.

SECOND DEGREE INOUYE #2 To terminate the grandfathering period on December 31, 2016.

PRYOR #1: To require video service providers to offer subscriptions on a month-tomonth basis in addition to other subscription arrangements offered to the public.

PRYOR #2: To prohibit cable operators and video service providers from imposing an early termination penalty or fee for subscriptions in excess of the monthly fee for such subscription.

PRYOR #3 To provide for auxiliary enforcement of the consumer protection and customer service regulations by State attorneys general and State consumer protection agencies.

TITLE IV- VIDEO CONTENT

SMITH #1: To improve the property rights provision relating to digital broadcast video content.

INOUYE #1: To strike the rule of construction relating to licensee discretion in the preemption and rescheduling of children's programs in the sports video programming section.

ENSIGN #1: To protect the quality and availability of programming in the lower 48 states.

SUNUNU #1: To strike Subtitle B of Title IV.

SUNUNU #2: To limit illegal redistribution of audio content over the Internet.

SECOND DEGREE SMITH #1 To address marketplace adoption of digital audio broadcast protection technology.

SECOND DEGREE SMITH #2 To address marketplace adoption of digital audio broadcast protection technology.

TITLE V- MUNICIPAL BROADBAND

CANTWELL #1: To change the existing-networks date for the notice and bid requirements for municipal broadband networks for municipal broadband networks from April 20, 2006, to the date of enactment of the Act.

CANTWELL #2: To change one of the pending-proposals criteria for the notice and bid requirements for municipal broadband networks from being in the "request-for-proposals process" to being in the "procurement process".

LAUTENBERG/MCCAIN/ENSIGN#1 : Bipartisan technical corrections to the community broadband network.

TITLE VI- WIRELESS INNOVATION NETWORKS

ENSIGN #1 To ensure devices that are not remotely addressable are not negatively impacted.

BOXER #2 To ensure devices that are not remotely addressable are not negatively impacted.

DEMINT #1 To make eligible television spectrum available for licensed wireless use.

TITLE VII – DIGITAL TELEVISION

MCCAIN #1 To limit the prohibition on importation and interstate shipment of analogonly receivers to manufacturers and importers.

ROCKEFELLER #1 To revise the membership requirements of the DTV Working Group.

ROCKEFELLER #2 To require that all television sets over 13 inches in size are equipped with certain blocking technologies.

ENSIGN #1 To ensure consumers are well educated about the digital television transition to avoid any disruption of television service.

KERRY #1 To ensure that the no-material-degradation standard applies to both audio and video quality, including digital signals processed through a converter box.

KERRY #2 Relating to disqualification of certain stations for mandatory carriage of multiple digital signals.

KERRY/NELSON #1 To encourage diversity in media ownership.

DEMINT #1 To avoid imposing a multicast-mandate on satellite video service providers.

SECOND DEGREE DEMINT #1 Language correction.

BOXER #1 To strike the provision relating to energy standards for converter boxers.

NELSON FL #1 To increase consumer awareness regarding digital television transition.

NELSON FL #2 Analog and digital television sets and converter boxes; consumer education and requirements to reduce the government cost of the converter box program.

LAUTENBERG #1 Relating to the phase-out of the UHF discount.

LAUTENBERG #2 To sunset the national ownership cap UHF discount.

TITLE VIII- PROTECTING CHILDREN

BURNS #1 To enhance prosecution of child pornography.

ROCKEFELLER #1 To prohibit interactivity with commercial matter during children's programming.

KERRY #1 To provide meaningful civil remedies for victims of the sexual exploitation of children.

KERRY #2 To provide meaningful civil remedies for victims of the sexual exploitation of children.

-TITLE IX- INTERNET CONSUMER BILL OF RIGHTS ACT

STEVENS #1 To Increase the monetary fines for Net Neutrality violations from \$11,000 to instead \$500,000 for each violation.

- **BOXER #1** To ensure net neutrality for State government agencies.
- **BOXER #2** To ensure net neutrality for healthcare providers.
- **BOXER #3** To ensure net neutrality for Federal Government agencies.
- **BOXER #4** To ensure net neutrality for Institutes of Higher Learning.
- **BOXER #5** To ensure net neutrality for public safety agencies.
- **SNOWE/DORGAN #1** To ensure net neutrality.

SECOND DEGREE DEMINT #1 Add five provisions to Snowe/Dorgan

SNOWE/DORGAN #2 To amend the Consumer Internet Bill of Rights

SNOWE/DORGAN #3 To ensure end users are entitled to services from each Internet service provider that shall not discriminate in their carriage and treatment of Internet traffic based on the source, destination or ownership of such traffic.

DEMINT #1 To ensure nondiscrimination on the Internet.

NELSON FL/ McCAIN # 1 To foster video competition and broadband deployment.

TITLE X- MISCELLANEOUS

STEVENS #1 To make clear the laws that the State preemption provisions do not affect tax law.

INOUYE #1 To modify the regulatory forbearance provisions of the Communications Act of 1934.

INOUYE #2 To provide for competition in special access markets.

SECOND DEGREE SUNUNU #1 To establish a deadline for Commission proceedings on special access rates.

INOUYE #3 Relating to stand alone broadband requirement.

INOUYE #4 To strike preemption of the wireless State regulation.

BURNS #1 To protect competition in unlicensed wireless services.

SECOND DEGREE KERRY #1 Insert "Notwithstanding any other provision of law, subsection (b) of this section shall not apply to any restriction imposed at a facility owned or operated by a governmental entity."

ROCKEFELLER #1 To strike section 1005 of the bill.

ROCKEFELLER #2 To require the Federal Communications Commission to prevent deceptive practices with respect to carrier charges attributable to Federal, State, and local regulatory requirements.

ROCKEFELLER #3 To require wireless telephone service providers to provide consumers with clear, accurate, and understandable bills.

SNOWE #1 To provide factors for determining the degree of culpability in violations involving obscene, indecent, or profane material,

SNOWE/BOXER #1 To deem certain Class A stations and low power televisions stations to be qualified low power television stations.

SNOWE/BURNS/DORGAN #1 To direct the FCC to initiate a proceeding to reconfigure the upper and lower 700 MHZ bands.

DORGAN #1 To strike section 1004 (relating to challenges of Commission rulings or regulations).

DORGAN #2 To prohibit the Federal Communications Commission from making any changes in its media ownership rules until it has issued a Further Notice of Proposed Rulemaking.

DORGAN #3 To prohibit the Federal Communications Commission from making any changes in its media ownership rules until it has issues a Notice of Proposed Rulemaing and adopted an Order with regard to its Notice of Inquiry Regarding Broadcaster Service to the Needs and Interests of Their Communities within a year and completed regulatory action in its proceeding DA 04-1690 entitled "Media Bureau Seeks Comment on Ways to Further Section 257 Mandate and to Build on Earlier Studies."

DORGAN #4 To limit the common carrier exemption under the Federal Trade Commission Act to common carriers providing common carrier services.

DORGAN #5 To require the Federal Communications Commission to issue a notice of Proposed Rulemaking and adopt an Order with regard to its Notice of Inquiry Regarding Broadcaster Service to the Needs and Interests of Their Communities within a year and before making any changes in its media ownership rules.

DORGAN # 6 To limit the common carrier exemption under the Federal Trade Commission Act to common carriers providing common carrier services.

SECOND DEGREE DORGAN #1 Strike and replace with "COMMON CARRIERS REGULATED BY THE COMMUNICATIONS ACT OF 1934.Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking the definition of the term `Acts to regulate commerce' and inserting the following: 'Acts to regulate commerce' means subtitle IV of title 49, United States Code, and all Acts amendatory thereof and supplementary thereto.'''.

ALLEN #1 To make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

SECOND DEGREE DORGAN #1 To address marketplace adoption of digital audio broadcast protection technology.

BOXER #1 To strike provisions relating to the preemption of certain State authorities.

BOXER #3 To provide for an FCC investigation of unlawful disclosure of customer information to NSA and others.

BOXER #4 Sense of Congress regarding the retention of records by Internet companies

BOXER #5 To enhance disclosures and access to information concerning wireless telephone service plans.

BOXER #6 To enhance disclosures and access to information concerning wireless telephone service and plans.

BOXER #7 To delete "public" from references to the "public Internet."

NELSON FL#1 To improve public safety by requiring a status report on the establishment of the E-911 Implementation and Coordination Office under the ENHANCE 911 Act.

NELSON FL#2 To require the Federal Communications Commission to study telemedicine and report to Congress on the availability and needs of broadband facilities capable of providing telemedicine services.

NELSON FL#3 Relating to the application of one-year restrictions to certain positions.

NELSON FL/SNOWE #1 To create the Office of Consumer Advocate of the Federal Communications Commission.

NELSON FL/DEMINT #1 To encourage the adoption of broadband Internet service in all parts of the United States by requiring the Federal Communications Commission to report further data on broadband Internet adoption.

NELSON FL/BURNS #1 To amend the ENHANCE 911 Act and improve public safety by authorizing grant funds for IP-enabled E-911 systems.

NELSON FL/PRYOR #1 To amend the Children's Television Act of 1990 to apply the time limitations on advertising in children's programming to video service providers.

NELSON FL/PRYOR #2 To ensure that the provisions of title V of the Communications Act of 1934 that apply to cable television operators also apply to video service providers.

NELSON FL/PRYOR #3 To ensure that the provisions of title VII of the Communications Act of 1934 that apply to cable television operators also apply to video service providers.

CANTWELL #1 Section 1007 reporting requirements.

LAUTENBERG #1 To require broadcast stations to include their city of license, or the State in which that city is located, when referencing geographic location.

NELSON NE #1 To hold independent network affiliates harmless from section 503(b) penalties for network programming they have not had an opportunity to preview or with respect to which they have received no notice from the network as to objectionable content.

PRYOR/STEVENS #1 To direct the FCC to promulgate consumer protection and customer service rules.

TITLE XI

MCCAIN/CANTWELL #1 To implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

SECOND DEGREE LAUTENBERG #1 The FCC shall retain its rules that provide third-adjacent channel protections for full-power FM stations that are licensed in significantly populated Sates with more than 3,000,000 housing units and a population density greater than 1,000 people per square mile land area.

INOUYE #1 Relating to Federal information and communications research.

INOUYE #2 Relating to community broadband grants for unserved and underserved areas.

INOUYE #3 Relating to directing the FCC to revisit broadband speeds.

INOUYE #4 To establish an Office of Indian Affairs in the Federal Communications Commission.

INOUYE #5 To provide an alternative substitute.

SECOND DEGREE BOXER/SMITH #1 To address marketplace adoption of digital audio broadcast protection technology.

MCCAIN #1 to restrict any State from imposing a new discriminatory tax on cell phones services.

ROCKEFELLER #1 To require Federal Communications Commission to prevent deceptive practices with respect to carrier charges attributable to Federal, State, and local regulatory requirements.

ROCKEFELLER #2 To assess the effectiveness of measures to protect children from indecent and violent programming.

ROCKEFELLER #3 To inform the American public and to protect children from increasing depictions of indecent and gratuitous and excessive violent material on television .

ROCKEFELLER #4 To require wireless telephone service providers to provide consumers with clear, accurate, and understandable bills.

ROCKEFELLER #5 To ensure critical wireline infrastructure.

ROCKEFELLER #6 To ensure critical wireline infrastructure.

DORGAN #1 To direct the Federal Communications Commission to conduct a study of programs designed to broadcast radio or television programs to school times.

NELSON FL #1 To prohibit manipulation of caller identification information.

NELSON FL/BURNS #1 To provide incentives to license holders to provide wireless service to rural areas.