

Commission's objective of minimizing disruption and economic impact on 2 GHz fixed microwave licensees.³⁸

A. "Comparable Alternative Facilities" Must Result In No Degradation Of System Performance.

The Commission must define "comparable alternative facilities" to mean that the new facilities provided to a displaced 2 GHz licensee are equal to or superior than the existing facilities in all aspects of system performance. Performance features such as reliability, capacity, speed, bandwidth, throughput, and overall efficiency must be the same. The Commission's rules must specify that performance features must be equivalent regardless of whether the alternative facilities are microwave systems on higher bands, fiber optics or any other technology.

In addition, it is absolutely essential that "comparable alternative facilities" be defined to guarantee displaced microwave licensees interference protection equivalent to that currently provided in the Commission's rules -- Standard 10-E. The Senate spectrum bill specifically references Standard 10-E equivalency as the level of protection that meets fixed microwave licensees' reliability requirements, and the Commission should incorporate this standard in its rules as well.

³⁸ Assuming the Commission clarifies its state and local government exemption to include public power systems as discussed in Section IV, LCRA would not be subject to involuntary relocation.

B. Displaced Microwave Licensees Should Be Permitted To Build And Test New Facilities.

The Commission should clarify its proposed rules to authorize microwave licensees to actually "build" and "test" new facilities, even though the new technology providers ultimately must pay for the new facilities. As currently drafted, the proposed rules direct the new technology provider to perform these tasks, as well as necessary frequency coordination and engineering. In most cases, it would be more efficient and practical for the displaced licensee to design and build the new system. The rules should be flexible enough to permit microwave licensees to conduct these activities.³⁹

C. Displaced Microwave Licensees Will Own New Facilities.

The Commission should clarify its rules to specify that any new facilities provided through involuntary relocation will be owned by the microwave licensee, even though the PCS entrant must provide the facilities. Electric utilities own and maintain their own private communications systems because they cannot rely on common carriers or other third parties that have competing service demands and are unfamiliar with utilities' unique operational requirements. The Commission has recognized the need for utilities and other industries to operate private systems and should clarify in this proceeding that alternative facilities

³⁹ See UTC Petition for Clarification and/or Reconsideration, ET Docket 92-9, filed November 30, 1992, at 5-6.

provided under the transition plan will be owned by the microwave incumbent.

**D. Arbitration And Other Alternative Procedures
Should Be Used To Resolve Disputes On
Involuntary Relocation Issues.**

LCRA generally supports the use of alternative procedures, such as arbitration, to resolve disputes on involuntary relocation and comparability of old and new microwave facilities. It is in the interest of new technology providers, microwave licensees and the public to resolve disputes fairly in the most expeditious and least costly manner. An independent arbitrator, agreed to by all parties in a dispute, could achieve this result more effectively than the Commission. Whatever entity resolves disputes, it will be critical that the Commission explicitly define criteria upon which to base decisions, particularly a definition of "comparable alternative facilities" guaranteeing interference protection equivalent to Standard 10-E and no degradation of other performance features.

X. APPLICATIONS FOR ALL MODIFICATIONS, EXPANSIONS AND NEW FACILITIES SHOULD BE GRANTED ON A PRIMARY BASIS.

In the main text of the Order and Notice, the Commission appears to have adopted the policy it announced in May 1992 regarding the licensing of "new facilities" for 2 GHz microwave operations.⁴⁰ Under that policy, any application for "new facilities" filed after January 16, 1992, when the First Notice

⁴⁰ Order and Notice at paras. 30-31.

was adopted, would be granted only on a secondary basis.⁴¹ Applications for modifications and minor extensions of existing facilities licensed before that date would be granted on a primary basis, but applications for major extensions or expansions would be granted on a secondary basis unless "a special showing of need is made to justify primary status." The concluding paragraph of the Order and Notice states that comment is sought on "whether new fixed microwave systems should be licensed on a primary or secondary basis."

LCRA strongly objects to a policy making "major extensions or expansions" secondary. Electric utilities must be able to extend their microwave facilities into new service areas. If any such expansion or addition that is connected to an existing microwave system is relegated to secondary status, the reliability of the entire system will be impaired. No special showing should be necessary to justify primary status in such circumstances.

LCRA urges the Commission to adopt a policy according primary status to all modifications, expansions and new facilities. Anything less than that would directly contradict the Senate spectrum legislation, which states the following:

. . .

(c)(1)(A) The Commission shall not redesignate, from primary to secondary, any use of the frequencies between 1850 and 2200 MHz by a qualified private fixed microwave entity.

⁴¹ "2 GHz Licensing Policy Statement," Public Notice, Mimeo No. 23115, released May 14, 1992.

. . . .
(D) Any grant of a license to a qualified private fixed microwave entity for a new system, or for modification of or addition to an existing system, to use frequencies between 1850 and 2200 MHz shall be on a primary basis . . .⁴²

The policy incorporated in the Senate bill would make actual spectrum demand the determinant of whether the Commission should grant an application for new or additional microwave facilities. Further, this approach would not require the Commission to waste its scarce resources deciding whether a fixed microwave applicant has made a "a special showing of need . . . to justify primary status."

Making all modifications and new facilities primary, as the Senate bill requires, also would be consistent with making fixed microwave licensees "co-primary" in the 2 GHz band. With the first-in-time interference protection that accompanies "co-primary" status, fixed microwave entities should be eligible to make modifications and expansions and build new facilities on a primary basis as long as such facilities do not cause interference to any pre-existing licensee. If the Commission adopts its proposed policy automatically making major modifications and new facilities secondary, utilities and other private fixed microwave operators simply will not be able to build new facilities or expand existing ones because secondary status poses an unacceptable risk of harmful interference. As a result, microwave licensees will be forced to consider other

⁴² See Attachment B.

bands, which may be less reliable and/or more costly, even if the 2 GHz spectrum they desire is not used by a PCS licensee or other emerging technology.

XI. CONCLUSION

LCRA's paramount concern in this proceeding is to ensure that the Commission does not reallocate 2 GHz spectrum in a manner that threatens the safety and reliability of the nation's public power systems. As a threshold matter, the Commission should clarify that public power systems such as LCRA are included in the exemption from involuntary relocation. LCRA otherwise generally supports the Commission's proposal in the Order and Notice, subject to the modifications discussed in these Comments. Electric utilities' private microwave communications systems cannot operate at secondary status and must be guaranteed interference protection equivalent to that provided by Standard 10-E. After a 10-year transition period, commencing in each market upon grant of a PCS license, private microwave licensees should be subject to involuntary relocation only if they are fully compensated for displacement and are guaranteed alternative facilities comparable to existing systems in all aspects of system performance.

Respectfully submitted,

THE LOWER COLORADO RIVER AUTHORITY

By: *Thomas J. Keller*

Thomas J. Keller
Lawrence R. Sidman
Jacqueline R. Kinney

VERNER, LIIPFERT, BERNHARD,
MCPHERSON AND HAND, CHARTERED
901 15th Street, N.W., Suite 700
Washington, D.C. 20005
(202) 371-6060

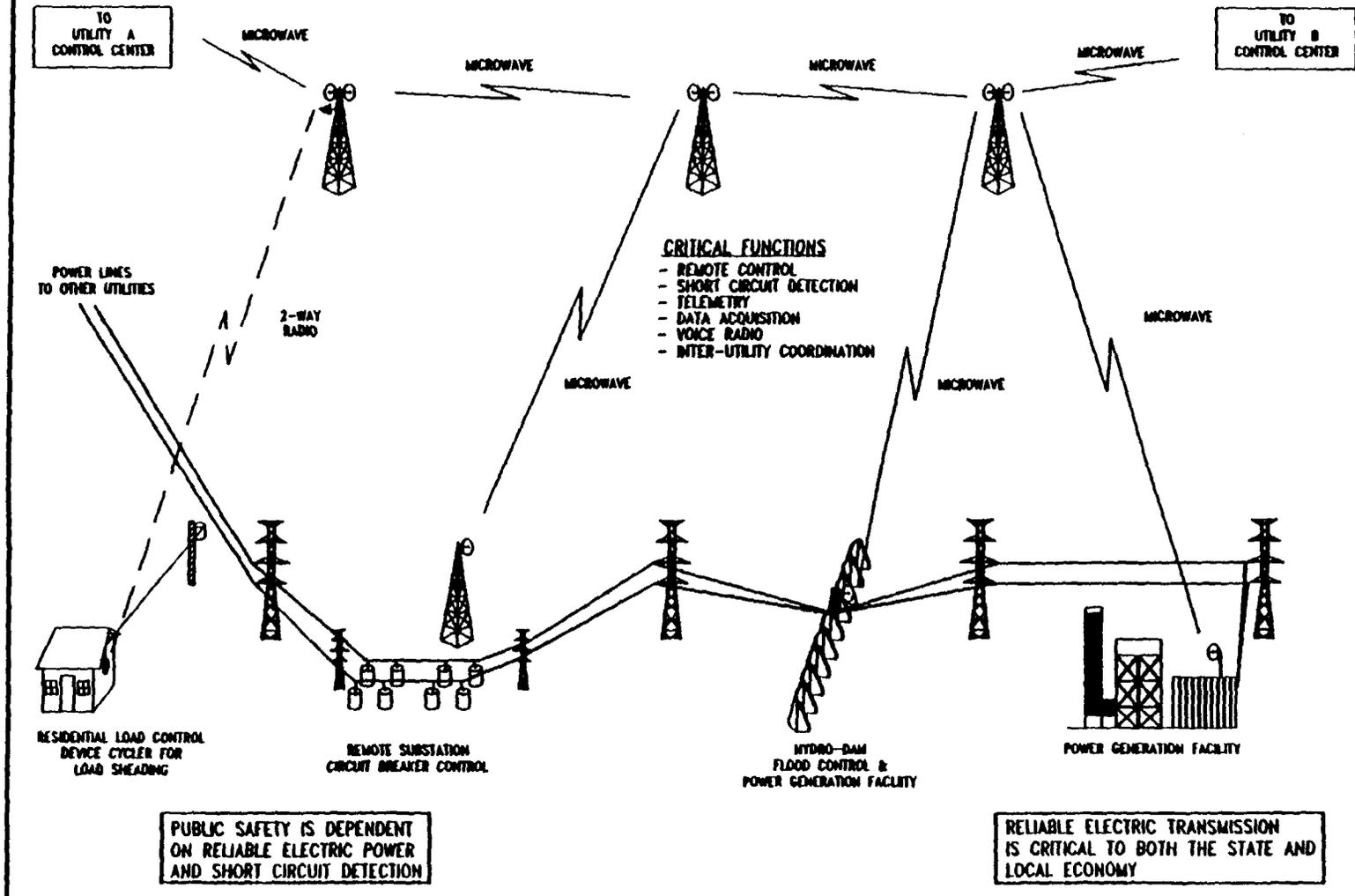
Its Attorneys

January 13, 1993

ATTACHMENT A

ELECTRIC UTILITY MICROWAVE RADIO SYSTEMS

- are essential for safe, reliable, and efficient transmission of electric power through interconnected utility networks



ATTACHMENT B

in a uniquely disadvantageous position in providing the documentation required to substantiate his claim.

Although Dr. Hasek gathered as much information as he could, including affidavits from people who were familiar with his properties and circumstances, his claim was denied. In effect, he was penalized for having served on the advisory panel set up by Secretary Harriman. That is unfair, and we now have an opportunity to rectify matters. And here I would point out that the pending amendment does not provide full compensation to Dr. Hasek. In fact, it compensates him for only 5 percent of his losses. That is a token amount, but it is nevertheless an important token of recognition and appreciation for all that Dr. Hasek did, both in Czechoslovakia and in the United States, in the struggle against communism and in support of the United States interests in Eastern Europe.

Mr. HOLLINGS. Mr. President, this is pursuant to Private Law No. 98-54. The Secretary of the Treasury is directed to pay certain funds to Joseph Karl Hasek, and it has been cleared on both sides to proceed with that particular provision of the law, 98-54.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2758) was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Senator JOHNSTON be added as a cosponsor to the amendment No. 2749 offered earlier today by Senator BREAUX and myself establishing a loan vessel obligation guarantee program.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Senator from Ohio and the Senator from New Hampshire and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the amendment momentarily be set aside so we can present this amendment on behalf of myself, subject to the consent, of course, of the distinguished Senator from Missouri [Mr. DANFORTH].

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2759

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. INOUYE, and Mr.

GORTON, proposes an amendment numbered 2759.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend section 611 to read as follows:

SEC. 611. (a) None of the funds appropriated under this Act may be used by the Commission to develop, issue, implement, or enforce a rule or order affecting the use of the frequencies between 1850 and 2200 MHz by qualified private fixed microwave entities in the proceeding identified as ET Docket 92-9, or any successor proceeding, unless the Commission meets the requirements of subsection (b) and incorporates the requirements of subsection (c) into such rule or order.

(b) Such rule or order shall not take effect until 90 days after it has been issued by the Commission.

(c)(1)(A) The Commission shall not redesignate, from primary to secondary, any use of the frequencies between 1850 and 2200 MHz by a qualified private fixed microwave entity.

(B) The Commission may permit frequencies between 1850 and 2200 MHz that are allocated on a primary basis to qualified private fixed microwave entities to be used on a shared basis, except that any entity that shares the frequencies between 1850 and 2200 MHz with a qualified private fixed microwave entity shall bear the burden of eliminating any harmful interference to a primary system of a qualified private fixed microwave entity.

(C) Any newly licensed system, or any modification of or addition to an existing system, operated by a qualified private fixed microwave entity on frequencies between 1850 and 2200 MHz shall bear the burden of eliminating any harmful interference to any emerging telecommunications technology entity whose license was issued at an earlier date than the license for such newly licensed system or such modification or addition.

(D) Any grant of a license to a qualified private fixed microwave entity for a new system, or for modification of or addition to an existing system, to use frequencies between 1850 and 2200 MHz shall be on a primary basis, unless no other qualified private fixed microwave entity is operating on those frequencies on a primary basis.

(E) The Commission shall not, for the purpose of preserving the availability of frequencies for emerging telecommunications technologies or other uses, deny any application of a qualified private fixed microwave entity for a license for modification of or addition to an existing system, to operate on frequencies between 1850 and 2200 MHz.

(2) The Commission shall not impede or restrict the ability of qualified private fixed microwave entities operating on frequencies between 1850 and 2200 MHz, or of licensees or proponents of emerging telecommunications technologies, to enter into voluntary agreements for the purpose of optimizing efficient use of spectrum, including but not limited to migration of facilities to other frequencies or media.

(3)(A) At a date no earlier than 8 years following issuance of a rule or order affecting the use of the frequencies between 1850 and 2200 MHz by qualified private fixed microwave entities in the proceeding identified as ET Docket 92-9—

(i) any emerging telecommunications technology entity operating on or seeking to operate on frequencies between 1850 and 2200 MHz may submit to the Commission under this paragraph a proposal for migration of

any qualified private fixed microwave entity's facilities operating on frequencies between 1850 and 2200 MHz to other frequencies or media; and

(ii) any qualified private fixed microwave entity operating or seeking to operate on frequencies between 1850 and 2200 MHz may submit to the Commission under this paragraph a proposal for migration of any emerging telecommunications technology entity's facilities operating on frequencies between 1850 and 2200 MHz to other frequencies or media.

(B) Any migration proposal under subparagraph (A) (i) or (ii) shall demonstrate that—

(i) the party proposing such migration has a license to operate on the frequencies used by the party subject to the migration or otherwise has the qualifications to use those frequencies;

(ii) there is a need for the proposed migration, including the unavailability to the party proposing the migration of other equally reliable frequencies at costs comparable to those for a system operating on frequencies between 1850 and 2200 MHz;

(iii) the party proposing such migration has in writing notified the party subject to migration (within a reasonable time sufficient to enable the parties to discuss entering into a voluntary agreement as described in paragraph (3)) of its intent to submit a migration proposal;

(iv) an alternative communications system for the party subject to migration would be available and would be at least as reliable in all respects as the communications system such party is operating at the time of the proposal; and

(v) the party proposing such migration will pay all costs associated with such migration and necessary to ensure the reliability of the alternative communications system, as such costs are incurred.

(C)(i) The Commission shall approve the proposed migration if the Commission finds that the migration proposal makes the demonstrations described in subparagraph (B) (i), (ii), (iii), (iv), and (v).

(ii) If the Commission does not make the findings described in clause (i), the Commission shall not approve the proposed migration.

(iii) If the Commission approves the proposed migration, the Commission shall provide that the party subject to migration shall be provided an adequate period of time in which to construct and test the proposed alternative communications system and to complete migration. The party subject to migration shall not be required to cease using the frequencies between 1850 and 2200 MHz until the reliability of the alternative communications system has been established.

(iv) If the Commission approves the proposed migration, the Commission shall retain jurisdiction over the proposed migration to resolve all remaining disputes to ensure that the demonstrations described in subparagraph (B) (i), (ii), (iii), (iv), and (v) are made.

(d) The Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report which analyzes the feasibility of allowing frequencies reserved for use by the Federal Government as of June 1, 1992, to be used by emerging telecommunications technology entities, or by any qualified private fixed microwave entity now operating on frequencies between 1850 and 2200 MHz.

(e) In this section, the following definitions apply:

(1) The term "Commission" means the Federal Communications Commission.

(2) The term "existing" means in operation on the date of enactment of this Act.

(3) The term "harmful interference" means any interference from any technology that exceeds the level of protection equivalent to that provided under section 94.63 of title 47, Code of Federal Regulations.

(4) The term "qualified private fixed microwave entity" means an entity licensed or permitted, or eligible to be licensed or permitted, under part 90 of title 47, Code of Federal Regulations, for Public Safety Radio Services, Special Emergency Radio Services, Power Radio Services, Petroleum Radio Services, and Railroad Radio Services.

Mr. HOLLINGS. Mr. President, we have been working with our distinguished ranking member of our Commerce Committee, the distinguished Senator from Missouri [Mr. DANFORTH] concerning the proposal of the Federal Communications Commission relative to assigning frequencies. As you well know, we have resisted over the years any interference from the Congress itself on assuming that kind of responsibility. It would envision all kinds of hearings and decisions that should be made by the administrative FCC and not by the Congress itself and, as chairman of the committee, I have always adhered to that particular principle and procedure.

However, earlier the Federal Communications Commission took up the matter of reassigning the current users of the 2 gigahertz band to make room for new technologies such as hand telephones and mobile phone services. The FCC held a hearing on this proposal that had some 22 witnesses from that particular new technology industry and only one representing the current users of the 2 gigahertz band. The users of the 2 gigahertz band encompass the public electric utilities, the private taxpayer-funded utilities as well as investor-owned utilities, the railroads, and oil, gas and water pipeline companies. You can go right on down the list of all of those that expressed tremendous concern about the reliability on the one hand, concern for safety on the other hand, and the expense, of course, of being forced to move to a different set of frequencies.

As a result, we included in the subcommittee markup what we thought was reasonable language that would protect these current users and at the same time allow new technologies to enter the market. We did not bar the FCC from going forward with its proceeding but we wanted to make sure that these concerns were noted here in this appropriations bill and it was reported by the full committee.

But now the distinguished Senator from Missouri, not agreeing by any matter or means to this particular amendment, has agreed to allow us to proceed with the following changes: That we change the 15-year protection to 8 years, that we remove the independent arbiter, giving the authority to the Federal Communications Commission, that we provide the utilities with notice before a proponent may file to move a utility, and that we require

a proponent of a new technology to demonstrate that he needs those frequencies and no other frequencies are available before it can apply to move a utility.

It is a slightly complicated matter for those who are not familiar with the particular discipline assigning frequencies, but I think that generally sets out the understanding that we have in moving this particular amendment.

As I understand, the Senator from Missouri does not yield at all his rights to reconsider this provision on our authorization bill and the fact of the matter is if we can have a similar understanding on the authorization bill we would cut this out of the appropriations bill.

Mr. President, I would now like to explain this matter in more detail. In a proceeding numbered ET Docket 92-9, the Federal Communications Commission [FCC] has proposed to reallocate certain frequencies around 2 gigahertz [GHz] for new emerging technologies. In doing so, the FCC has proposed to downgrade the status of some of the existing users of these frequencies from primary to secondary after 10 to 15 years. This proposal could cause serious harm to the operations of electric power companies and rural electric cooperatives, railroads, and oil, gas, and water pipelines. These entities depend upon reliable microwave communications in the 2 GHz band to control the provision of their essential services to the public. While the FCC has proposed that these existing users could move their microwave facilities to other frequency bands, the FCC has not provided sufficient guarantee that the reliability of the communications services could be ensured in these new frequency bands.

For this reason, I added a new general provision to this appropriations bill in the subcommittee that ensures that the electric, railroad, oil, gas, and water pipeline companies that operate microwave communications systems in the 2 GHz band will continue to possess reliable communications systems. The provision ensures that utilities that currently use the 2 gigahertz band cannot be moved off that band for a certain period of time. Further, after this time period, the utility can only be required to move if it is established that other frequencies are available that provide equal reliability to the utility's current system. The provision also ensures that all costs associated with such a move will be paid for by the new technology that proposes the move. With these protections, a utility will not suffer any degradation of service and will not suffer any out-of-pocket costs.

This provision is supported by the National Rural Electric Cooperative Association, the American Public Power Association, the Large Public Power Council, the Association of American Railroads, the American Petroleum Institute, the Edison Electric

Institute, and the Interstate Natural Gas Association of America.

Mr. President, I generally do not offer legislation concerning spectrum allocation matters at the FCC. I believe that these are matters that are often very technical in nature and should not be subject to the political process. In this case, however, the FCC has itself shown a lack of respect for the process involved in making frequency allocation decisions. The FCC has shown a blatant disregard for the legitimate concerns of the utilities who currently use this spectrum. For instance, the FCC held an en banc hearing last December at which only 1 of the 22 witnesses represented a utility, while the remaining witnesses represented advocates of new technology. In April of this year, I wrote a letter to the Chairman of the FCC indicating my strong concern about the FCC's proposal to move the existing users of this band. Several other Senators also wrote letters to me and to the Commission expressing their concern. In June, I held a hearing in the Commerce Committee specifically on this proposal. In each case, the FCC gave vague and non-committal responses. In this situation, I believe that there is no choice but for Congress to offer legislation on this issue.

Contrary to some misrepresentations by proponents of new technologies, this provision does not stop new technologies from being deployed. This provision permits new technologies to use these frequencies on a shared basis with existing utilities. In other words, this provision allows new technologies to enter the market today as long as they do not interfere with the utilities who currently use those frequencies.

Let me clarify a couple of other points with regard to this provision. First, this provision does not give the existing utilities a property right in the spectrum. The spectrum is a valuable public resource. This public resource must be administered by the Government on behalf of the general public; it cannot be handed out to or controlled by private entities. The provision I have crafted gives the FCC policy guidance on how to administer the spectrum with regard to its use by certain utilities that provide essential public services. This provision, for instance, does not give these utilities an absolute right to the renewal of their frequencies. A guaranteed renewal would be the equivalent of giving the utilities an ownership interest, or a property right, in the spectrum. I cannot support such a position. I do expect, however, that the FCC will continue to demonstrate great concern for the essential public service provided by these utilities in deciding license renewals. In most cases, utility license renewals have been granted on a routine, pro forma basis. I expect and encourage the FCC to continue to process renewal applications in this manner.

Mr. President, I would like to clarify one provision in section (c)(1)(E) re-

ATTACHMENT C

provided for this program during the current fiscal year, it is less than the amount traditionally provided for the program over the last several years. The conferees believe that the \$700,000 will be adequate to maintain the established activities of this program.

The conferees expect that from the amount made available in the conference agreement for the International Visitor Program, funding of contracts with the Free Trade Union Institute for international labor exchanges shall be continued and that the International Visitor Program of the Institute shall continue under the same terms and amounts as provided for fiscal year 1992. In addition, the conferees request that the Inspector General of the agency review this entire program and submit its findings and recommendations to the Appropriations Committees no later than April 1, 1993.

The conferees are aware of a proposal developed by the Association of Jesuit Colleges and Universities in response to requests from Republics of the former Soviet Union to provide technical assistance in the area of developing private higher education and curriculum development in the humanities emphasizing western thought. The conferees urge the USIA to consider an application and provide support for this proposal.

The conference amount for the Fulbright Academic Exchange Program includes a \$700,000 increase for the Vietnam Scholarship Program established by section 229 of Public Law 102-138, bringing the total for the program to \$1,000,000. The conferees expect that this increase will be used to expand the number of scholarships from 15 to at least 30 and to fund candidates who wish to pursue longer term academic degree programs, such as masters programs in economics and business and three-year degree programs in law, particularly commercial and tax law. Scholarships awarded for study in programs such as these may include several months of preparational English training.

Amendment No. 182: Designates \$200,000 for the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation and \$600,000 for the Institute for Representative Government. The House had proposed a designation of \$200,000 for the Claude and Mildred Pepper Scholarship Program. The Senate bill deleted this language and inserted a designation of \$600,000 for the Institute for Representative Government and a designation of \$125,040,000 for the Fulbright Educational Exchange Program.

RADIO CONSTRUCTION

Amendment No. 183: Appropriates \$103,647,000 and waives section 701 of the United States Information and Educational Exchange Act of 1948, instead of \$101,180,000 without any such waiver as proposed by the House and \$106,113,000 without any such waiver as proposed by the Senate.

BROADCASTING TO CUBA

Amendment No. 184: Appropriates \$28,631,000 as proposed by the House instead of \$34,758,000 as proposed by the Senate. The conferees agree that the reduction from the budget request of \$6,227,000 is derived from excess unobligated balances for T.V. Marti and should have no negative impact on the program.

EAST-WEST CENTER

Amendment No. 185: Appropriates \$26,000,000 as proposed by the Senate instead of \$25,306,000 as proposed by the House. The conference agreement provides the full amount authorized for the East-West Center for fiscal year 1993. The House bill would have provided the current services level for the Center.

RUSSIAN FAR EAST TECHNICAL ASSISTANCE CENTER

Amendment No. 186: Appropriates \$2,000,000 to provide technical assistance through an American university in a region which receives non-stop air service to and from the Russian Far East as of the date of enactment of this Act, to facilitate the development of United States business opportunities, free markets, and democratic institutions in the Russian Far East, and makes these funds available only upon enactment into law of authorizing legislation. The Senate had proposed an appropriation of \$4,000,000 for a similar purpose. The House bill contained no provision on this matter.

The conferees have provided funds for this new program, subject to the enactment of authorizing legislation, and anticipate that a thorough review of the program will be undertaken to determine if it should be continued or changed as part of the United States Information Agency's program.

NORTH/SOUTH CENTER

Amendment No. 187: Appropriates \$8,700,000 as proposed by the House instead of \$10,000,000 as proposed by the Senate. The conference agreement, together with anticipated carry over balances, should provide the full budget request for the North/South Center for fiscal year 1993.

NATIONAL ENDOWMENT FOR DEMOCRACY

Amendment No. 188: Appropriates \$30,000,000 instead of \$28,380,000 as proposed by the House and \$31,250,000 as proposed by the Senate. The conference agreement includes \$1,435,000 to enhance the Endowment's programs in support of democratic movements and institutions around the world. The House bill would have provided for the current services level for the Endowment. The Senate bill would have provided the full amount authorized for the Endowment for fiscal year 1993.

TITLE VI—GENERAL PROVISIONS

Amendment No. 189: Deletes a provision proposed by the House and stricken by the Senate which would have reduced the State Department's Salaries and Expenses account by \$19,000,000. This matter is further addressed in amendment numbered 151.

Amendment No. 190: Restores a provision proposed by the House and stricken by the Senate which provides that it is the sense of the Congress that entitles purchasing goods or services with funds available under this Act should, to the maximum extent feasible, purchase only American-made equipment, products, and services.

Amendment No. 191: Restores a provision proposed by the House and stricken by the Senate which provides that none of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

Amendment No. 192: Inserts a provision which prohibits the person serving as the United States Trade Representative from aiding, advising, or representing foreign entities for three years after the termination of that person's service in that position, but exempts the person serving as the United States Trade Representative from the operation of this provision as of the date of enactment of this Act. The Senate had proposed a similar provision establishing a five year restriction on the person serving as the United States Trade Representative, but exempting the person from the provision who is serving in that position on the date of enactment of this Act. The House bill contained no similar provision.

Amendment No. 193: Deletes a provision proposed by the Senate which would have prohibited any of the funds in Title V of the Act to be available to carry out the provisions of section 118 of Public Law 102-138 as they apply to the Department of Justice and Department of Commerce. The House bill contained no provision on this matter.

The conferees are agreed that \$15,064,000 provided to the State Department in the Salaries and Expenses account under the conference agreement be used to support the current services level of overseas administrative support costs of the Department of Commerce, the Department of Justice, and the Office of the United States Trade Representative as set forth in the President's FY 1993 budget request and supporting documents.

PILOT IMMIGRATION PROGRAM

Amendment No. 194: Includes language proposed by the Senate, not in the House bill, but changes the section number to Sec. 610. The language establishes a pilot immigration program designed to promote economic growth, increase export sales, improve productivity, create jobs, and increase capital investment.

LEGAL SERVICES CORPORATION RESTRICTIONS

Amendment No. 195: Adds language specifying the formula under which Legal Services Corporation funding will be allocated to basic field programs and the conditions under which the funding can be spent. The restrictions imposed upon the Corporation for fiscal year 1993 under this conference agreement are identical to those restrictions under which the Corporation is currently operating, unless authorizing legislation for the Corporation is enacted into law during fiscal year 1993.

The restrictions included in the House bill (Amendment No. 135) were tied to the House-passed authorization, unless authorizing legislation was enacted. The restrictions in the Senate amendment were tied to fiscal year 1992 restrictions, unless one of the following applied: (1) S. 2870 as reported from Committee; (2) S. 2870 as passed the Senate; or (3) an enacted authorization.

FCC SPECTRUM REALLOCATION

Amendment No. 196: Deletes language proposed by the Senate which prohibited the use of funds by the FCC to develop or implement a rulemaking designed to reallocate certain frequencies around 2 GHz for new emerging technologies, unless certain requirements were met. The Senate took this action out of concern over the impact such a reallocation could have on existing users. These existing users depend upon fixed microwave communications systems in this spectrum to provide essential public services, such as power distribution and train routing. While the House bill contained no such provision, similar concerns were raised by Members of the House about the impact on existing users.

The conferees agreed to delete the Senate language as a result of the September 17, 1992 vote by the FCC to adopt a Report and Order and Third Notice of Proposed Rulemaking in this proceeding. Although the actual text of the decision has not been released, the conferees understand that this revised rulemaking recognizes the legitimate concerns of the existing users of the 2 GHz band about reliability and cost. The transition plan adopted by the Commission appears to include many of the provisions set forth in the Senate amendment. The conferees expect that the text of the Commission's decision will reflect the decision announced by the Commission in its press release of September 17, 1992. The conferees will continue to review the Commission's actions in this proceeding to ensure that the final rulemaking

on this issue conforms to the press announcements after the September 17 meeting. With regard to the length of the transition period that remains open for additional public comment, the conferees expect the Commission to give appropriate consideration to the Senate position.

Amendment No. 197: Deletes language proposed by the Senate, but not in the House bill, authorizing the SEC to collect fees for regulation of investment advisers. This issue is addressed under amendment No. 67.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1993 recommended Committee of by the Conference, with comparisons to the fiscal year 1992 amount, the 1993 budget estimates, and the House and Senate bills for 1993 follow:

New budget (obligational) authority, fiscal year 1992	\$22,287,011,000
Budget estimates of new (obligational) authority, fiscal year 1993	23,858,164,000
House bill, fiscal year 1993	22,304,145,000
Senate bill, fiscal year 1993	23,273,504,000
Conference agreement, fiscal year 1993	23,214,927,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1992	+927,916,000
Budget estimates of new (obligational) authority, fiscal year 1993	-643,237,000
House bill, fiscal year 1993	+910,782,000
Senate bill, fiscal year 1993	-58,577,000

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
BOB CARR,
ALAN B. MOLLOHAN,
NANCY PELOSI,
JAMIE L. WHITTEN,
HAL ROGERS,
RALPH REGULA,
JIM KOLBE,
JOSEPH M. MCDADE,

Managers on the Part of the House.

FRITZ HOLLINGS,
DANIEL K. INOUE,
DALE BUMPERS,
FRANK R. LAUTENBERG,
JIM SASSER,
BROOK ADAMS,
ROBERT C. BYRD,
WARREN B. RUDMAN,
TED STEVENS,
MARK O. HATFIELD,
ROBERT W. KASTEN, Jr.,
PHIL GRAMM,

Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5518, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Monday, September 28, 1992, to file a conference report on the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE REPORTS ON H.R. 3281, H.R. 5983, AND H.R. 5575

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration have until midnight tonight to file reports on the following bills: H.R. 3281, H.R. 5983, and H.R. 5575.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 5488, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1993

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. Rept. 102-919)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5488) "making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19, 34, 43, 47, 48, 49, 51, 52, 57, 64, 69, 73, 75, 82, 83, 97, 101, 110, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 137, 142, 143, 144, 145, 147, 148, 149, 162, 163, 165, 166, and 175.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 9, 11, 12, 16, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 32, 33, 35, 38, 39, 40, 41, 42, 46, 50, 54, 56, 58, 62, 65, 66, 67, 71, 72, 76, 84, 85, 89, 90, 94, 98, 99, 113, 114, 115, 130, 146, 152, 155, 160, 164, 168, 170, 171, 172, 178, and 179.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$3,064,000; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: 48; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$1,925,000; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$71,202,000; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$727,000; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$33,408,000; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: \$29,147,000, of which not to exceed \$1,300,000 shall remain available until expended for the Inspectors General Auditor Training Institute; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: : *Provided further, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; \$47,153,000; and the Senate agree to the same.*

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$9,748,000; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$366,372,000; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$22,000,000; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: \$1,315,917,000; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert the following: \$750,000; and the Senate agree to the same.

Amendment Numbered 30:

CERTIFICATE OF SERVICE

I, Jaime Y.W. Bierds, a secretary for the law firm Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, do hereby certify that a true and correct copy of the foregoing "Comments of Lower Colorado River Authority" was delivered by hand, this 13th day of January, 1993, to the following:

Chairman Alfred C. Sikes
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Commissioner Sherrie P. Marshall
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Commissioner Andrew D. Barrett
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

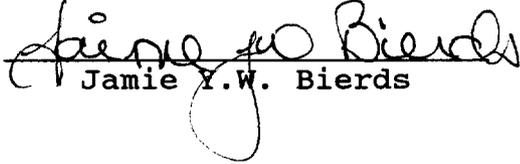
Commissioner Ervin S. Duggan
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Thomas J. Sugrue
Acting Assistant Secretary
National Telecommunications
and Information Administration
Herbert C. Hoover Building
14th Street & Constitution Avenue, N.W.
Washington, D.C. 20230

Ralph Haller, Chief
Private Radio Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Dr. Thomas P. Stanley, Chief
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Dr. Robert M. Pepper, Chief
Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W.
Room 812
Washington, D.C. 20554


Jamie Y.W. Bierds