

rejection of mandatory access laws and the legislative history of Section 207. Moreover, courts, including the Supreme Court, have held that words in a statute should not be read in complete isolation from their context in a statute, but rather should be construed in light of the entire statute and its legislative history. See Mastro Plastics Corp. v. National Labor Relations Board, 350 U.S. 270, 285 (1956) (in construing a statute, the Court "must not be guided by a single sentence or member of a sentence, but look to the provisions of the whole law ....") (citation omitted); Vause v. Capital Poly Bag, Inc., 886 F. 2d 794, 799-800 & n.9 (6th Cir. 1989) (the appropriate inquiry is not what is the abstract force of the words but rather what the words were intended to mean in light of the particular act and its legislative history).

Finally, ICTA has also learned that the supporters of applying Section 207 to Unowned or Uncontrolled Properties are attempting to rely upon the fact that after the Telecommunications Act of 1996 was enacted one Congressman indicated that it was his view that Section 207 covered rental properties. As the foregoing demonstrates, that view is clearly incorrect. Moreover, as established by well-settled law, that view is irrelevant and should have no effect on the Commission's determination. See Bread Political Action Committee v. Federal Election Committee, 455 U.S. 577, 582 n.3 (1982) (for the purpose of interpreting a statute, the Court "cannot give probative weight" to statements made by a legislator after passage of an act because given the timing of the statements they merely represent the legislator's personal views; the fact that the statements were made by the legislator who prepared the original draft of the provision at issue does not change the irrelevance of the statements); Blanchette v. Connecticut General Insurance Corp., 419 U.S. 102, 132 ("post-passage remarks of legislators, however explicit, cannot serve to change the legislative intent of Congress expressed before the Act's passage") (citations omitted); Walsh v. Brady, 927 F. 2d 1229

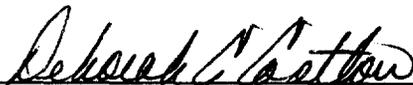
(D.C. Cir. 1991) (a letter written by the amendment's sponsor after passage of the statute "can add nothing" and is "oxymoronic subsequent legislative history").<sup>14/</sup>

**CONCLUSION**

In light of the foregoing, the Commission should not apply Section 207 to Unowned or Uncontrolled Properties.

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<sup>14/</sup> In light of ICTA's view that the Commission cannot constitutionally and should not construe Section 207 to apply to Unowned or Uncontrolled Properties, ICTA does not address herein the practicalities of Community's proposal regarding how the seizures would occur nor does ICTA address the amount of just compensation that would be awarded property owners.

**CERTIFICATE OF SERVICE**

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