

105TH CONGRESS
1ST SESSION

S. 1188

To amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 1997

Mr. KOHL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, 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 “Court Consistency in
5 Communications Act of 1997”.

1 **SEC. 2. JURISDICTION OF THE DISTRICT COURT FOR THE**
 2 **DISTRICT OF COLUMBIA AND THE COURT OF**
 3 **APPEALS FOR THE DISTRICT OF COLUMBIA.**

4 (a) JURISDICTION OF REVIEW BY DISTRICT COURT
 5 FOR THE DISTRICT OF COLUMBIA.—

6 (1) IN GENERAL.—Chapter 85 of title 28, Unit-
 7 ed States Code, is amended by adding at the end the
 8 following:

9 **“§ 1369. District Court for the District of Columbia;**
 10 **review of certain communications deter-**
 11 **minations**

12 “The United States District Court for the District
 13 of Columbia shall have exclusive jurisdiction to review a
 14 determination as provided under section 252(j)(2) of the
 15 Communications Act of 1934 (47 U.S.C. 252(j)(2)).”.

16 (2) TECHNICAL AND CONFORMING AMEND-
 17 MENT.—The table of sections for chapter 85 of title
 18 28, United States Code, is amended by adding at
 19 the end the following:

“1369. District Court for the District of Columbia; review of certain commu-
 nications determinations.”.

20 (b) JURISDICTION OF THE COURT OF APPEALS FOR
 21 THE DISTRICT OF COLUMBIA CIRCUIT.—

22 (1) IN GENERAL.—Chapter 83 of title 28, Unit-
 23 ed States Code, is amended by adding at the end the
 24 following:

1 **“§ 1297. Jurisdiction of the United States Court of Ap-**
 2 **peals for the District of Columbia Circuit**

3 “The United States Court of Appeals for the District
 4 of Columbia Circuit shall have exclusive jurisdiction of an
 5 appeal as provided under sections 252(j)(2) and 402(b)
 6 of the Communications Act of 1934 (47 U.S.C. 252(j)(2)
 7 and 402(b)).”.

8 (2) TECHNICAL AND CONFORMING AMEND-
 9 MENT.—The table of sections for chapter 83 of title
 10 28, United States Code, is amended by adding at
 11 the end the following:

“1297. Jurisdiction of the United States Court of Appeals for the District of
 Columbia Circuit.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) IN GENERAL.—The Communications Act of
 14 1934 is amended—

15 (A) in section 252 (47 U.S.C. 252)—

16 (i) in subsection (e)(6), by striking
 17 the second sentence;

18 (ii) by redesignating subsection (j) as
 19 subsection (k); and

20 (iii) by inserting after subsection (i)
 21 the following new subsection (j):

22 “(j) JUDICIAL REVIEW OF STATE COMMISSION AC-
 23 TIONS.—

1 “(1) REVIEW.—In any case in which a State
 2 commission makes a determination under this sec-
 3 tion, any party aggrieved by the determination shall
 4 bring an action for the review of the determination,
 5 if at all, in the United States District Court for the
 6 District of Columbia.

7 “(2) APPEAL.—Any appeal of a decision of the
 8 court under subparagraph (A) shall be brought in
 9 the United States Court of Appeals for the District
 10 of Columbia Circuit.”; and

11 (B) in section 402(b) (47 U.S.C. 402(b)),
 12 by adding at the end the following:

13 “(10) By any person challenging any other decision
 14 or order of the Commission under title II.”.

15 (2) APPLICABILITY.—The amendments made
 16 by paragraph (1) shall apply to determinations of
 17 the Federal Communications Commission under title
 18 II of the Communications Act of 1934 and to deter-
 19 minations by State commissions (as that term is de-
 20 fined in section 3(41) of that Act (47 U.S.C.
 21 153(41)) under section 252 of that Act on or after
 22 the date of enactment of this Act.

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