

REMINDER THAT RULES IMPLEMENTING SECTION 5301 OF THE
ANTI-DRUG ABUSE ACT ARE NOW IN EFFECT.

This is a reminder to all applicants for equipment authorization (for both new and modified equipment, and all parties filing description of measurement facilities for measurement of equipment for equipment authorization), that the Commission rules adopted in the REPORT and ORDER (R&O) in General Docket 90-312 (FCC 91-397) on December 27, 1991, to implement Section 5301 of the Anti-Drug Abuse Act of 1988 have now become effective.

Requests for equipment authorizations that involve the filing of a specific form, e.g., FCC Form 731, the following certification provision will be incorporated into the specific form upon revision:

By checking yes, the applicant certifies that, in case of an individual applicant, he or she is not subject to a denial of federal benefits, that includes FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, or in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits, that includes FCC benefits, pursuant to that section. For a definition of a "party" for these purposes see 47 C.F.R. 1.2002(b).

☒ Yes

☐ No

The term "party to the application" includes if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; and if the applicant is a partnership, all non-limited partners and any limited partners holding a 5 percent or more interest in the partnership.

A listing of affected applications, including FCC Form 731, is set forth in 47 CFR Section 1.2003 of the Commission's Rules. Until FCC Form 731 is revised, the signature of the person filing the form shall be deemed to constitute the requisite certification, unless an exhibit is included stating that the signature does not constitute such a certification and explaining why the applicant is unable to certify.

The Commission's new anti-drug policies and requirements also encompass certain FCC authorizations that are applied for without the use of a prescribed FCC form. These informal applications or letter requests include:

1. requests for Class II permissive changes in certified devices, made in letter format, pursuant to 47 CFR 2.1043;
2. requests for Class II permissive changes and modifications to type accepted devices, made in letter format, pursuant to 47 CFR 2.1001;
3. descriptions of measurement facilities performing compliance testing of equipment, pursuant to 47 CFR 2.948.
4. requests for advance approval of subscription TV systems, pursuant to 47 CFR 2.1400;

Although not required by the present rules, requests for Class II permissive changes in certified and type accepted equipment should be made on FCC Form 731. Requests not filed on Form 731 must include the above certification.

A limited number of copies of the R&O in Docket 90-312 are available free of charge by calling the special request number, (301) 725-1585, Ext 639.

Inquiries concerning the R&O may be directed to Sharon Diskin, (202) 632-6990. Inquiries concerning the R&O, as it applies to Form 731 and related filings may be directed to Ruby Moore, (202) 725-1585, Ext 239.