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House of Representatives

The House met at 8 a.m. and was called to order by the Speaker pro tempore [Mr. BUNN of Oregon].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BUNN of Oregon) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 4, 1995.

I hereby designate the Honorable JIM BUNN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplian, Rev. James David Ford, D.D., offered the following prayer:

Your word, O God, proclaims the message of faith and hope and love and we long to experience that joy and peace. Yet often we wonder where that word of grace is amid the cluttered affairs of the world and the untidy arrangements of each day. Our prayer, gracious God, is that we will hear Your still small voice in spite of the clamor and noise of life and that we will experience the power of Your spirit in the depths of our own hearts. With gratefulness, O God, we believe that Your presence is greater than the din of the world and we are thankful that underneath are Your everlasting arms. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. BUNN of Oregon). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas [Mr. BRYANT] come forward and lead the House in the Pledge of Allegiance.

Mr. BRYANT of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATIONS ACT OF 1995

The SPEAKER pro tempore (Mr. BUNN). Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1555.

☐ 0802

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN (Mr. KOLBE). When the Committee of the Whole House rose on Wednesday, August 2, 1995, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

NOTICE

Issues of the Congressional Record during the August District Work Period will be published each day the Senate is in session in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Communications Act of 1995''.

(b) REFERENCES.—References in this Act to ''the Act'' are references to the Communications Act of 1934.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—DEVELOPMENT OF COMPETITIVE TELECOMMUNICATIONS MARKETS

Sec. 101. Establishment of part II of title II.

''PART II—DEVELOPMENT OF COMPETITIVE MARKETS

''Sec. 241. Interconnection.
''Sec. 242. Equal access and interconnection to the local loop for competing providers.
''Sec. 243. Preemption.
''Sec. 244. Statements of terms and conditions for access and interconnection.
''Sec. 245. Bell operating company entry into interLATA services.
''Sec. 246. Competitive safeguards.
''Sec. 247. Universal service.
''Sec. 248. Pricing flexibility and abolition of rate-of-return regulation.
''Sec. 249. Network functionality and accessibility.
''Sec. 250. Market entry barriers.
''Sec. 251. Illegal changes in subscriber carrier selections.
''Sec. 252. Study.
''Sec. 253. Territorial exemption.''.

Sec. 102. Competition in manufacturing, information services, alarm services, and pay phone services.

''PART III—SPECIAL AND TEMPORARY PROVISIONS

''Sec. 271. Manufacturing by Bell operating companies.
''Sec. 272. Electronic publishing by Bell operating companies.
''Sec. 273. Alarm monitoring and telemessaging services by Bell operating companies.
''Sec. 274. Provision of payphone service.''.

Sec. 103. Forbearance from regulation.
''Sec. 230. Forbearance from regulation.''.

Sec. 104. Privacy of customer information.
''Sec. 222. Privacy of customer proprietary network information.''.

Sec. 105. Pole attachments.
Sec. 106. Preemption of franchising authority regulation of telecommunications services.
Sec. 107. Facilities siting; radio frequency emission standards.
Sec. 108. Mobile service access to long distance carriers.
Sec. 109. Freedom from toll fraud.
Sec. 110. Report on means of restricting access to unwanted material in interactive telecommunications systems.
Sec. 111. Authorization of appropriations.

TITLE II—CABLE COMMUNICATIONS COMPETITIVENESS

Sec. 201. Cable service provided by telephone companies.

''PART V—VIDEO PROGRAMMING SERVICES PROVIDED BY TELEPHONE COMPANIES

''Sec. 651. Definitions.
''Sec. 652. Separate video programming affiliate.
''Sec. 653. Establishment of video platform.
''Sec. 654. Authority to prohibit cross-subsidization.
''Sec. 655. Prohibition on buy outs.
''Sec. 656. Applicability of parts I through IV.
''Sec. 657. Rural area exemption.''.

Sec. 202. Competition from cable systems.
Sec. 203. Competitive availability of navigation devices.
''Sec. 713. Competitive availability of navigation devices.''.
Sec. 204. Video programming accessibility.
Sec. 205. Technical amendments.

TITLE III—BROADCAST COMMUNICATIONS COMPETITIVENESS

Sec. 301. Broadcaster spectrum flexibility.
''Sec. 336. Broadcast spectrum flexibility.''.
Sec. 302. Broadcast ownership.
''Sec. 337. Broadcast ownership.''.
Sec. 303. Foreign investment and ownership.
Sec. 304. Term of licenses.
Sec. 305. Broadcast license renewal procedures.
Sec. 306. Exclusive Federal jurisdiction over direct broadcast satellite service.
Sec. 307. Automated ship distress and safety systems.
Sec. 308. Restrictions on over-the-air reception devices.
Sec. 309. DBS signal security.

TITLE IV—EFFECT ON OTHER LAWS

Sec. 401. Relationship to other laws.
Sec. 402. Preemption of local taxation with respect to DBS services.

TITLE V—DEFINITIONS

Sec. 501. Definitions.

TITLE VI—SMALL BUSINESS COMPLAINT PROCEDURE

Sec. 601. Complaint procedure.

TITLE I—DEVELOPMENT OF COMPETITIVE TELECOMMUNICATIONS MARKETS

SEC. 101. ESTABLISHMENT OF PART II OF TITLE II.

(a) AMENDMENT.—Title II of the Act is amended by inserting after section 229 (47 U.S.C. 229) the following new part:

''PART II—DEVELOPMENT OF COMPETITIVE MARKETS

''SEC. 241. INTERCONNECTION.

''The duty of a common carrier under section 201(a) includes the duty to interconnect with the facilities and equipment of other providers of telecommunications services and information services.

''SEC. 242. EQUAL ACCESS AND INTERCONNECTION TO THE LOCAL LOOP FOR COMPETING PROVIDERS.

''(a) OPENNESS AND ACCESSIBILITY OBLIGATIONS.—The duty under section 201(a) of a local exchange carrier includes the following duties:

''(1) INTERCONNECTION.—The duty to provide, in accordance with subsection (b), equal access to and interconnection with the facilities of the carrier's networks to any other carrier or person offering (or seeking to offer) telecommunications services or information services reasonably requesting such equal access and interconnection, so that such networks are fully interoperable with such telecommunications services and information services. For purposes of this paragraph, a request is not reasonable unless it contains a proposed plan, including a reasonable schedule, for the implementation of the requested access or interconnection.

''(2) UNBUNDLING OF NETWORK ELEMENTS.—The duty to offer unbundled services, elements, features, functions, and capabilities whenever technically feasible, at just, reasonable, and nondiscriminatory prices and in accordance with subsection (b)(4).

''(3) RESALE.—The duty to offer services, elements, features, functions, and capabilities for resale at economically feasible rates to the reseller, recognizing pricing structures for telephone exchange service in the State, and the duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale, on a bundled or unbundled basis, of services, elements, features, functions, and capabilities in conjunction with the furnishing of a telecommunications service or an information service.

''(4) NUMBER PORTABILITY.—The duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission.

''(5) DIALING PARITY.—The duty to provide, in accordance with subsection (c), dialing parity to competing providers of telephone exchange service and telephone toll service.

''(6) ACCESS TO RIGHTS-OF-WAY.—The duty to afford access to the poles, ducts, conduits, and rights-of-way of such carrier to competing providers of telecommunications services in accordance with section 224(d).

''(7) NETWORK FUNCTIONALITY AND ACCESSIBILITY.—The duty not to install network features, functions, or capabilities that do not comply with any standards established pursuant to section 249.

''(8) GOOD FAITH NEGOTIATION.—The duty to negotiate in good faith, under the supervision of State commissions, the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (7). The other carrier or person requesting interconnection shall also be obligated to negotiate in good faith the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (7).

''(b) INTERCONNECTION, COMPENSATION, AND EQUAL ACCESS.—

''(1) INTERCONNECTION.—A local exchange carrier shall provide access to and interconnection with the facilities of the carrier's network at any technically feasible point within the carrier's network on just and reasonable terms and conditions, to any other carrier or person offering (or seeking to offer) telecommunications services or information services requesting such access.

''(2) INTERCARRIER COMPENSATION BETWEEN FACILITIES-BASED CARRIERS.—

''(A) IN GENERAL.—For the purposes of paragraph (1), the terms and conditions for interconnection of the network facilities of a competing provider of telephone exchange service shall not be considered to be just and reasonable unless—

''(i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated with the termination on such carrier's network facilities of calls that originate on the network facilities of the other carrier;

''(ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls; and

''(iii) the recovery of costs permitted by such terms and conditions are reasonable in relation to the prices for termination of calls that would prevail in a competitive market.

''(B) RULES OF CONSTRUCTION.—This paragraph shall not be construed—

''(i) to preclude arrangements that afford such mutual recovery of costs through the offsetting of reciprocal obligations, including arrangements that waive mutual recovery (such as bill-and-keep arrangements); or

''(ii) to authorize the Commission or any State commission to engage in any rate regulation proceeding to establish with particularity the additional costs of terminating calls, or to require carriers to maintain records with respect to the additional costs of terminating calls.

''(3) EQUAL ACCESS.—A local exchange carrier shall afford, to any other carrier or person offering (or seeking to offer) a telecommunications service or an information service, reasonable and nondiscriminatory access on an unbundled basis—

''(A) to databases, signaling systems, billing and collection services, poles, ducts, conduits, and rights-of-way owned or controlled by a

local exchange carrier, or other facilities, functions, or information (including subscriber numbers) integral to the efficient transmission, routing, or other provision of telephone exchange services or exchange access;

''(B) that is equal in type and quality to the access which the carrier affords to itself or to any other person, and is available at nondiscriminatory prices; and

''(C) that is sufficient to ensure the full interoperability of the equipment and facilities of the carrier and of the person seeking such access.

''(4) COMMISSION ACTION REQUIRED.—

''(A) IN GENERAL.—Within 15 months after the date of enactment of this part, the Commission shall complete all actions necessary (including any reconsideration) to establish regulations to implement the requirements of this section. The Commission shall establish such regulations after consultation with the Joint Board established pursuant to section 247.

''(B) COLLOCATION.—Such regulations shall provide for actual collocation of equipment necessary for interconnection for telecommunications services at the premises of a local exchange carrier, except that the regulations shall provide for virtual collocation where the local exchange carrier demonstrates that actual collocation is not practical for technical reasons or because of space limitations.

''(C) USER PAYMENT OF COSTS.—Such regulations shall require that the costs that a carrier incurs in offering access, interconnection, number portability, or unbundled services, elements, features, functions, and capabilities shall be borne by the users of such access, interconnection, number portability, or services, elements, features, functions, and capabilities.

''(D) IMPUTED CHARGES TO CARRIER.—Such regulations shall require the carrier, to the extent it provides a telecommunications service or an information service that requires access or interconnection to its network facilities, to impute such access and interconnection charges to itself.

''(c) NUMBER PORTABILITY AND DIALING PARITY.—

''(1) AVAILABILITY.—A local exchange carrier shall ensure that—

''(A) number portability shall be available on request in accordance with subsection (a)(4); and

''(B) dialing parity shall be available upon request, except that, in the case of a Bell operating company, such company shall ensure that dialing parity for intraLATA telephone toll service shall be available not later than the date such company is authorized to provide interLATA services.

''(2) NUMBER ADMINISTRATION.—The Commission shall designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States. Nothing in this paragraph shall preclude the Commission from delegating to State commissions or other entities any portion of such jurisdiction.

''(d) JOINT MARKETING OF RESOLD ELEMENTS.—

''(1) RESTRICTION.—Except as provided in paragraph (2), no service, element, feature, function, or capability that is made available for resale in any State by a Bell operating company may be jointly marketed directly or indirectly with any interLATA telephone toll service until such Bell operating company is authorized pursuant to section 245(d) to provide interLATA services in such State.

''(2) EXISTING PROVIDERS.—Paragraph (1) shall not prohibit joint marketing of services, elements, features, functions, or capabilities acquired from a Bell operating company by another provider if that provider jointly markets services, elements, features, functions, and capabilities acquired from a Bell operating company anywhere in the telephone service territory of such Bell operating company, or in the telephone service territory of any affiliate of such Bell operating company that provides telephone exchange service, pursuant to any agreement, tariff, or other arrangement entered into or in effect before the date of enactment of this part.

''(e) MODIFICATIONS AND WAIVERS.—The Commission may modify or waive the requirements of this section for any local exchange carrier (or class or category of such carriers) that has, in the aggregate nationwide, fewer than 500,000 access lines installed, to the extent that the Commission determines that compliance with such requirements (without such modification) would be unduly economically burdensome, technologically infeasible, or otherwise not in the public interest.

''(f) WAIVER FOR RURAL TELEPHONE COMPANIES.—A State commission may waive the requirements of this section with respect to any rural telephone company.

''(g) EXEMPTION FOR CERTAIN RURAL TELEPHONE COMPANIES.—Subsections (a) through (d) of this section shall not apply to a carrier that has fewer than 50,000 access lines in a local exchange study area, if such carrier does not provide video programming services over its telephone exchange facilities in such study area, except that a State commission may terminate the exemption under this subsection if the State commission determines that the termination of such exemption is consistent with the public interest, convenience, and necessity.

''(h) AVOIDANCE OF REDUNDANT REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission or any State commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''SEC. 243. PREEMPTION.

''(a) REMOVAL OF BARRIERS TO ENTRY.—Except as provided in subsection (b) of this section, no State or local statute, regulation, or other legal requirement shall—

''(1) effectively prohibit any carrier or other person from entering the business of providing interstate or intrastate telecommunications services or information services; or

''(2) effectively prohibit any carrier or other person providing (or seeking to provide) interstate or intrastate telecommunications services or information services from exercising the access and interconnection rights provided under this part.

''(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of State or local officials to impose, on a nondiscriminatory basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, ensure that a provider's business practices are consistent with consumer protection laws and regulations, and ensure just and reasonable rates, provided that such requirements do not effectively prohibit any carrier or person from providing interstate or intrastate telecommunications services or information services.

''(c) CONSTRUCTION PERMITS.—Subsection (a) shall not be construed to prohibit a local government from requiring a person or carrier to obtain ordinary and usual construction or similar permits for its operations if—

''(1) such permit is required without regard to the nature of the business; and

''(2) requiring such permit does not effectively prohibit any person or carrier from providing any interstate or intrastate telecommunications service or information service.

''(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

''(e) PARITY OF FRANCHISE AND OTHER CHARGES.—Notwithstanding section 2(b), no local government may impose or collect any franchise, license, permit, or right-of-way fee or any assessment, rental, or any other charge or equivalent thereof as a condition for operating in the locality or for obtaining access to, occupying, or crossing public rights-of-way from any provider of telecommunications services that distinguishes between or among providers of telecommunications services, including the local exchange carrier. For purposes of this subsection, a franchise, license, permit, or right-of-way fee or an assessment, rental, or any other charge or equivalent thereof does not include any imposition of general applicability which does not distinguish between or among providers of telecommunications services, or any tax.

''SEC. 244. STATEMENTS OF TERMS AND CONDITIONS FOR ACCESS AND INTERCONNECTION.

''(a) IN GENERAL.—Within 18 months after the date of enactment of this part, and from time to time thereafter, a local exchange carrier shall prepare and file with a State commission statements of the terms and conditions that such carrier generally offers within that State with respect to the services, elements, features, functions, or capabilities provided to comply with the requirements of section 242 and the regulations thereunder. Any such statement pertaining to the charges for interstate services, elements, features, functions, or capabilities shall be filed with the Commission.

''(b) REVIEW.—

''(1) STATE COMMISSION REVIEW.—A State commission to which a statement is submitted under subsection (a) shall review such statement in accordance with State law. A State commission may not approve such statement unless such statement complies with section 242 and the regulations thereunder. Except as provided in section 243, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of such statement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

''(2) FCC REVIEW.—The Commission shall review such statements to ensure that—

''(A) the charges for interstate services, elements, features, functions, or capabilities are just, reasonable, and nondiscriminatory; and

''(B) the terms and conditions for such interstate services or elements unbundle any separable services, elements, features, functions, or capabilities in accordance with section 242(a)(2) and any regulations thereunder.

''(c) TIME FOR REVIEW.—

''(1) SCHEDULE FOR REVIEW.—The Commission and the State commission to which a statement is submitted shall, not later than 60 days after the date of such submission—

''(A) complete the review of such statement under subsection (b) (including any reconsideration thereof), unless the submitting carrier agrees to an extension of the period for such review; or

''(B) permit such statement to take effect.

''(2) AUTHORITY TO CONTINUE REVIEW.—Paragraph (1) shall not preclude the Commission or a State commission from continuing to review a statement that has been permitted to take effect under subparagraph (B) of such paragraph.

''(d) EFFECT OF AGREEMENTS.—Nothing in this section shall prohibit a carrier from filing an agreement to provide services, elements, features, functions, or capabilities affording access and interconnection as a statement of terms and conditions that the carrier generally offers for purposes of this section. An agreement affording access and interconnection shall not be approved under this section unless the agreement contains a plan, including a reasonable schedule, for the implementation of the requested access or interconnection. The approval of a statement under this section shall not operate to prohibit a carrier from entering into subsequent

agreements that contain terms and conditions that differ from those contained in a statement that has been reviewed and approved under this section, but—

''(1) each such subsequent agreement shall be filed under this section; and

''(2) such carrier shall be obligated to offer access to such services, elements, features, functions, or capabilities to other carriers and persons (including carriers and persons covered by previously approved statements) requesting such access on terms and conditions that, in relation to the terms and conditions in such subsequent agreements, are not discriminatory.

''(e) SUNSET.—The provisions of this section shall cease to apply in any local exchange market, defined by geographic area and class or category of service, that the Commission and the State determines has become subject to full and open competition.

''SEC. 245. BELL OPERATING COMPANY ENTRY INTO INTERLATA SERVICES.

''(a) VERIFICATION OF ACCESS AND INTERCONNECTION COMPLIANCE.—At any time after 18 months after the date of enactment of this part, a Bell operating company may provide to the Commission verification by such company with respect to one or more States that such company is in compliance with the requirements of this part. Such verification shall contain the following:

''(1) CERTIFICATION.—A certification by each State commission of such State or States that such carrier has fully implemented the conditions described in subsection (b), except as provided in subsection (d)(2).

''(2) AGREEMENT OR STATEMENT.—For each such State, either of the following:

''(A) PRESENCE OF A FACILITIES-BASED COMPETITOR.—An agreement that has been approved under section 244 specifying the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities in accordance with section 242 for an unaffiliated competing provider of telephone exchange service that is comparable in price, features, and scope and that is provided over the competitor's own network facilities to residential and business subscribers.

''(B) FAILURE TO REQUEST ACCESS.—If no such provider has requested such access and interconnection before the date which is 3 months before the date the company makes its submission under this subsection, a statement of the terms and conditions that the carrier generally offers to provide such access and interconnection that has been approved or permitted to take effect by the State commission under section 243.

For purposes of subparagraph (B), a Bell operating company shall be considered not to have received any request for access or interconnection if the State commission of such State or States certifies that the only provider or providers making such request have (i) failed to bargain in good faith under the supervision of such State commission pursuant to section 242(a)(8), or (ii) have violated the terms of their agreement by failure to comply, within a reasonable period of time, with the implementation schedule contained in such agreement.

''(b) CERTIFICATION OF COMPLIANCE WITH PART II.—For the purposes of subsection (a)(1), a Bell operating company shall submit to the Commission a certification by a State commission of compliance with each of the following conditions in any area where such company provides local exchange service or exchange access in such State:

''(1) INTERCONNECTION.—The Bell operating company provides access and interconnection in accordance with subsections (a)(1) and (b) of section 242 to any other carrier or person offering telecommunications services requesting such access and interconnection, and complies with the Commission regulations pursuant to such section concerning such access and interconnection.

''(2) UNBUNDLING OF NETWORK ELEMENTS.—The Bell operating company provides unbundled services, elements, features, functions, and capabilities in accordance with subsection (a)(2) of section 242 and the regulations prescribed by the Commission pursuant to such section.

''(3) RESALE.—The Bell operating company offers services, elements, features, functions, and capabilities for resale in accordance with section 242(a)(3), and neither the Bell operating company, nor any unit of State or local government within the State, imposes any restrictions on resale or sharing of telephone exchange service (or unbundled services, elements, features, or functions of telephone exchange service) in violation of section 242(a)(3).

''(4) NUMBER PORTABILITY.—The Bell operating company provides number portability in compliance with the Commission's regulations pursuant to subsections (a)(4) and (c) of section 242.

''(5) DIALING PARITY.—The Bell operating company provides dialing parity in accordance with subsections (a)(5) and (c) of section 242, and will, not later than the effective date of its authority to commence providing interLATA services, take such actions as are necessary to provide dialing parity for intraLATA telephone toll service in accordance with such subsections.

''(6) ACCESS TO CONDUITS AND RIGHTS OF WAY.—The poles, ducts, conduits, and rights of way of such Bell operating company are available to competing providers of telecommunications services in accordance with the requirements of sections 242(a)(6) and 224(d).

''(7) ELIMINATION OF FRANCHISE LIMITATIONS.—No unit of the State or local government in such State or States enforces any prohibition or limitation in violation of section 243.

''(8) NETWORK FUNCTIONALITY AND ACCESSIBILITY.—The Bell operating company will not install network features, functions, or capabilities that do not comply with the standards established pursuant to section 249.

''(9) NEGOTIATION OF TERMS AND CONDITIONS.—The Bell operating company has negotiated in good faith, under the supervision of the State commission, in accordance with the requirements of section 242(a)(8) with any other carrier or person requesting access or interconnection.

''(c) APPLICATION FOR INTERIM INTERLATA AUTHORITY.—

''(1) APPLICATION SUBMISSION AND CONTENTS.—At any time after the date of enactment of this part, and prior to the completion by the Commission of all actions necessary to establish regulations under section 242, a Bell operating company may apply to the Commission for interim authority to provide interLATA services. Such application shall specify the LATA or LATAs for which the company is requesting authority to provide interim interLATA services. Such application shall contain, with respect to each LATA within a State for which authorization is requested, the following:

''(A) PRESENCE OF A FACILITIES-BASED COMPETITOR.—An agreement that the State commission has determined complies with section 242 (without regard to any regulations thereunder) and that specifies the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities for an unaffiliated competing provider of telephone exchange service that is comparable in price, features, and scope and that is provided over the competitor's own network facilities to residential and business subscribers.

''(B) CERTIFICATION.—A certification by the State commission of the State within which such LATA is located that such company is in compliance with State laws, rules, and regulations providing for the implementation of the standards described in subsection (b) as of the date of certification, including certification that such company is offering services, elements, features, functions, and capabilities for resale at economically feasible rates to the reseller, recognizing pricing structures for telephone exchange service in such State.

''(2) STATE TO PARTICIPATE.—The company shall serve a copy of the application on the relevant State commission within 5 days of filing its application. The State shall file comments to the Commission on the company's application within 40 days of receiving a copy of the company's application.

''(3) DEADLINES FOR COMMISSION ACTION.—The Commission shall make a determination on such application not more than 90 days after such application is filed.

''(4) EXPIRATION OF INTERIM AUTHORITY.—Any interim authority granted pursuant to this subsection shall cease to be effective 180 days after the completion by the Commission of all actions necessary to establish regulations under section 242.

''(d) COMMISSION REVIEW.—

''(1) REVIEW OF STATE DECISIONS AND CERTIFICATIONS.—The Commission shall review any verification submitted by a Bell operating company pursuant to subsection (a). The Commission may require such company to submit such additional information as is necessary to validate any of the items of such verification.

''(2) DE NOVO REVIEW.—If—

''(A) a State commission does not have the jurisdiction or authority to make the certification required by subsection (b);

''(B) the State commission has failed to act within 90 days after the date a request for such certification is filed with such State commission; or

''(C) the State commission has sought to impose a term or condition in violation of section 243;

the local exchange carrier may request the Commission to certify the carrier's compliance with the conditions specified in subsection (b).

''(3) TIME FOR DECISION; PUBLIC COMMENT.—Unless such Bell operating company consents to a longer period of time, the Commission shall approve, disapprove, or approve with conditions such verification within 90 days after the date of its submission. During such 90 days, the Commission shall afford interested persons an opportunity to present information and evidence concerning such verification.

''(4) STANDARD FOR DECISION.—The Commission shall not approve such verification unless the Commission determines that—

''(A) the Bell operating company meets each of the conditions required to be certified under subsection (b); and

''(B) the agreement or statement submitted under subsection (a)(2) complies with the requirements of section 242 and the regulations thereunder.

''(e) ENFORCEMENT OF CONDITIONS.—

''(1) COMMISSION AUTHORITY.—If at any time after the approval of a verification under subsection (d), the Commission determines that a Bell operating company has ceased to meet any of the conditions required to be certified under subsection (b), the Commission may, after notice and opportunity for a hearing—

''(A) issue an order to such company to correct the deficiency;

''(B) impose a penalty on such company pursuant to title V; or

''(C) suspend or revoke such approval.

''(2) RECEIPT AND REVIEW OF COMPLAINTS.—The Commission shall establish procedures for the review of complaints concerning failures by Bell operating companies to meet conditions required to be certified under subsection (b). Unless the parties otherwise agree, the Commission shall act on such complaint within 90 days.

''(3) STATE AUTHORITY.—The authority of the Commission under this subsection shall not be construed to preempt any State commission from taking actions to enforce the conditions required to be certified under subsection (b).

''(f) AUTHORITY TO PROVIDE INTERLATA SERVICES.—

''(1) PROHIBITION.—Except as provided in paragraph (2) and subsections (g) and (h), a Bell operating company or affiliate thereof may not provide interLATA services.

''(2) AUTHORITY SUBJECT TO CERTIFICATION.—A Bell operating company or affiliate thereof may, in any States to which its verification under subsection (a) applies, provide interLATA services—

''(A) during any period after the effective date of the Commission's approval of such verification pursuant to subsection (d), and

''(B) until the approval of such verification is suspended or revoked by the Commission pursuant to subsection (d).

''(g) EXCEPTION FOR PREVIOUSLY AUTHORIZED ACTIVITIES.—Subsection (f) shall not prohibit a Bell operating company or affiliate from engaging, at any time after the date of the enactment of this part, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VII or VIII(C) of the Modification of Final Judgment, if—

''(1) such order was entered on or before the date of the enactment of this part, or

''(2) a request for such authorization was pending before such court on the date of the enactment of this part.

''(h) EXCEPTIONS FOR INCIDENTAL SERVICES.—Subsection (f) shall not prohibit a Bell operating company or affiliate thereof, at any time after the date of the enactment of this part, from providing interLATA services for the purpose of—

''(1)(A) providing audio programming, video programming, or other programming services to subscribers to such services of such company;

''(B) providing the capability for interaction by such subscribers to select or respond to such audio programming, video programming, or other programming services; or

''(C) providing to distributors audio programming or video programming that such company owns or controls, or is licensed by the copyright owner of such programming (or by an assignee of such owner) to distribute;

''(2) providing a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between local access and transport areas within a cable system franchise area in which such company is not, on the date of the enactment of this part, a provider of wireline telephone exchange service;

''(3) providing commercial mobile services in accordance with section 332(c) of this Act and with the regulations prescribed by the Commission pursuant to paragraph (8) of such section;

''(4) providing a service that permits a customer that is located in one local access and transport area to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another local access and transport area;

''(5) providing signaling information used in connection with the provision of telephone exchange services to a local exchange carrier that, together with any affiliated local exchange carriers, has aggregate annual revenues of less than $100,000,000; or

''(6) providing network control signaling information to, and receiving such signaling information from, common carriers offering interLATA services at any location within the area in which such Bell operating company provides telephone exchange services or exchange access.

''(i) INTRALATA TOLL DIALING PARITY.—Neither the Commission nor any State may order any Bell operating company to provide dialing parity for intraLATA telephone toll service in any State before the date such company is authorized to provide interLATA services in such State pursuant to this section.

''(j) FORBEARANCE.—The Commission may not, pursuant to section 230, forbear from applying any provision of this section or any regulation thereunder until at least 5 years after the date of enactment of this part.

''(k) SUNSET.—The provisions of this section shall cease to apply in any local exchange market, defined by geographic area and class or category of service, that the Commission and the State determines has become subject to full and open competition.

''(l) DEFINITIONS.—As used in this section—

''(1) AUDIO PROGRAMMING.—The term 'audio programming' means programming provided by, or generally considered comparable to programming provided by, a radio broadcast station.

''(2) VIDEO PROGRAMMING.—The term 'video programming' has the meaning provided in section 602.

''(3) OTHER PROGRAMMING SERVICES.—The term 'other programming services' means information (other than audio programming or video programming) that the person who offers a video programming service makes available to all subscribers generally. For purposes of the preceding sentence, the terms 'information' and 'makes available to all subscribers generally' have the same meaning such terms have under section 602(13) of this Act.

''SEC. 246. COMPETITIVE SAFEGUARDS.

''(a) IN GENERAL.—In accordance with the requirements of this section and the regulations adopted thereunder, a Bell operating company or any affiliate thereof providing any interLATA telecommunications or information service, shall do so through a subsidiary that is separate from the Bell operating company or any affiliate thereof that provides telephone exchange service.

''(b) TRANSACTION REQUIREMENTS.—Any transaction between such a subsidiary and a Bell operating company and any other affiliate of such company shall be conducted on an arm's-length basis, in the same manner as the Bell operating company conducts business with unaffiliated persons, and shall not be based upon any preference or discrimination in favor of the subsidiary arising out of the subsidiary's affiliation with such company.

''(c) SEPARATE OPERATION AND PROPERTY.—A subsidiary required by this section shall—

''(1) operate independently from the Bell operating company or any affiliate thereof,

''(2) have separate officers, directors, and employees who may not also serve as officers, directors, or employees of the Bell operating company or any affiliate thereof,

''(3) not enter into any joint venture activities or partnership with a Bell operating company or any affiliate thereof,

''(4) not own any telecommunications transmission or switching facilities in common with the Bell operating company or any affiliate thereof, and

''(5) not jointly own or share the use of any other property with the Bell operating company or any affiliate thereof.

''(d) BOOKS, RECORDS, AND ACCOUNTS.—Any subsidiary required by this section shall maintain books, records, and accounts in a manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by a Bell operating company or any affiliate thereof.

''(e) PROVISION OF SERVICES AND INFORMATION.—A Bell operating company or any affiliate thereof may not discriminate between a subsidiary required by this section and any other person in the provision or procurement of goods, services, facilities, or information, or in the establishment of standards, and shall not provide any goods, services, facilities or information to a subsidiary required by this section unless such goods, services, facilities or information are made available to others on reasonable, nondiscriminatory terms and conditions.

''(f) PREVENTION OF CROSS-SUBSIDIES.—A Bell operating company or any affiliate thereof required to maintain a subsidiary under this section shall establish and administer, in accordance with the requirements of this section and the regulations prescribed thereunder, a cost allocation system that prohibits any cost of providing interLATA telecommunications or information services from being subsidized by revenue from telephone exchange services and telephone exchange access services. The cost allocation system shall employ a formula that ensures that—

''(1) the rates for telephone exchange services and exchange access are no greater than they would have been in the absence of such investment in interLATA telecommunications or information services (taking into account any decline in the real costs of providing such telephone exchange services and exchange access); and

''(2) such interLATA telecommunications or information services bear a reasonable share of the joint and common costs of facilities used to provide telephone exchange, exchange access, and competitive services.

''(g) ASSETS.—The Commission shall, by regulation, ensure that the economic risks associated with the provision of interLATA telecommunications or information services by a Bell operating company or any affiliate thereof (including any increases in such company's cost of capital that occur as a result of the provision of such services) are not borne by customers of telephone exchange services and exchange access in the event of a business loss or failure. Investments or other expenditures assigned to interLATA telecommunications or information services shall not be reassigned to telephone exchange service or exchange access.

''(h) DEBT.—A subsidiary required by this section shall not obtain credit under any arrangement that would—

''(1) permit a creditor, upon default, to have resource to the assets of a Bell operating company; or

''(2) induce a creditor to rely on the tangible or intangible assets of a Bell operating company in extending credit.

''(i) FULFILLMENT OF CERTAIN REQUESTS.—A Bell operating company or an affiliate thereof shall—

''(1) fulfill any requests from an unaffiliated entity for telephone exchange service and exchange access within a period no longer than the period in which it provides such telephone exchange service and exchange access to itself or to its affiliates;

''(2) fulfill any such requests with telephone exchange service and exchange access of a quality that meets or exceeds the quality of telephone exchange services and exchange access provided by the Bell operating company or its affiliates to itself or its affiliates; and

''(3) provide telephone exchange service and exchange access to all providers of intraLATA or interLATA telephone toll services and interLATA information services at cost-based rates that are not unreasonably discriminatory.

''(j) CHARGES FOR ACCESS SERVICES.—A Bell operating company or an affiliate thereof shall charge the subsidiary required by this section an amount for telephone exchange services, exchange access, and other necessary associated inputs no less than the rate charged to any unaffiliated entity for such access and inputs.

''(k) SUNSET.—The provisions of this section shall cease to apply in any local exchange market 3 years after the date of enactment of this part.

''SEC. 247. UNIVERSAL SERVICE.

''(a) JOINT BOARD TO PRESERVE UNIVERSAL SERVICE.—Within 30 days after the date of enactment of this part, the Commission shall convene a Federal-State Joint Board under section 410(c) for the purpose of recommending actions to the Commission and State commissions for the preservation of universal service in furtherance of the purposes set forth in section 1 of this Act. In addition to the members required under section 410(c), one member of the Joint Board shall be a State-appointed utility consumer advocate

nominated by a national organization of State utility consumer advocates.

''(b) PRINCIPLES.—The Joint Board shall base policies for the preservation of universal service on the following principles:

''(1) JUST AND REASONABLE RATES.—A plan adopted by the Commission and the States should ensure the continued viability of universal service by maintaining quality services at just and reasonable rates.

''(2) DEFINITIONS OF INCLUDED SERVICES; COMPARABILITY IN URBAN AND RURAL AREAS.—Such plan should recommend a definition of the nature and extent of the services encompassed within carriers' universal service obligations. Such plan should seek to promote access to advanced telecommunications services and capabilities, and to promote reasonably comparable services for the general public in urban and rural areas, while maintaining just and reasonable rates.

''(3) ADEQUATE AND SUSTAINABLE SUPPORT MECHANISMS.—Such plan should recommend specific and predictable mechanisms to provide adequate and sustainable support for universal service.

''(4) EQUITABLE AND NONDISCRIMINATORY CONTRIBUTIONS.—All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation of universal service.

''(5) EDUCATIONAL ACCESS TO ADVANCED TELECOMMUNICATIONS SERVICES.—To the extent that a common carrier establishes advanced telecommunications services, such plan should include recommendations to ensure access to advanced telecommunications services for students in elementary and secondary schools.

''(6) ADDITIONAL PRINCIPLES.—Such other principles as the Board determines are necessary and appropriate for the protection of the public interest, convenience, and necessity and consistent with the purposes of this Act.

''(c) DEFINITION OF UNIVERSAL SERVICE.—In recommending a definition of the nature and extent of the services encompassed within carriers' universal service obligations under subsection (b)(2), the Joint Board shall consider the extent to which—

''(1) a telecommunications service has, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers;

''(2) such service or capability is essential to public health, public safety, or the public interest;

''(3) such service has been deployed in the public switched telecommunications network; and

''(4) inclusion of such service within carriers' universal service obligations is otherwise consistent with the public interest, convenience, and necessity.

The Joint Board may, from time to time, recommend to the Commission modifications in the definition proposed under subsection (b).

''(d) REPORT; COMMISSION RESPONSE.—The Joint Board convened pursuant to subsection (a) shall report its recommendations within 270 days after the date of enactment of this part. The Commission shall complete any proceeding to act upon such recommendations and to comply with the principles set forth in subsection (b) within one year after such date of enactment.

''(e) STATE AUTHORITY.—Nothing in this section shall be construed to restrict the authority of any State to adopt regulations imposing universal service obligations on the provision of intrastate telecommunications services.

''(f) SUNSET.—The Joint Board established by this section shall cease to exist 5 years after the date of enactment of this part.

''SEC. 248. PRICING FLEXIBILITY AND ABOLITION OF RATE-OF-RETURN REGULATION.

''(a) PRICING FLEXIBILITY.—

''(1) COMMISSION CRITERIA.—Within 270 days after the date of enactment of this part, the Commission shall complete all actions necessary (including any reconsideration) to establish—

''(A) criteria for determining whether a telecommunications service or provider of such service has become, or is substantially certain to become, subject to competition, either within a geographic area or within a class or category of service; and

''(B) appropriate flexible pricing procedures that afford a regulated provider of a service described in subparagraph (A) the opportunity to respond fairly to such competition and that are consistent with the protection of subscribers and the public interest, convenience, and necessity.

''(2) STATE SELECTION.—A State commission may utilize the flexible pricing procedures or procedures (established under paragraph (1)(B)) that are appropriate in light of the criteria established under paragraph (1)(A).

''(3) DETERMINATIONS.—The Commission, with respect to rates for interstate or foreign communications, and State commissions, with respect to rates for intrastate communications, shall, upon application—

''(A) render determinations in accordance with the criteria established under paragraph (1)(A) concerning the services or providers that are the subject of such application; and

''(B) upon a proper showing, implement appropriate flexible pricing procedures consistent with paragraphs (1)(B) and (2) with respect to such services or providers.

The Commission and such State commission shall approve or reject any such application within 180 days after the date of its submission.

''(b) ABOLITION OF RATE-OF-RETURN REGULATION.—Notwithstanding any other provision of law, to the extent that a carrier has complied with sections 242 and 244 of this part, the Commission, with respect to rates for interstate or foreign communications, and State commissions, with respect to rates for intrastate communications, shall not require rate-of-return regulation.

''(c) TERMINATION OF PRICE AND OTHER REGULATION.—Notwithstanding any other provision of law, to the extent that a carrier has complied with sections 242 and 244 of this part, the Commission, with respect to interstate or foreign communications, and State commissions, with respect to intrastate communications, shall not, for any service that is determined, in accordance with the criteria established under subsection (a)(1)(A), to be subject to competition that effectively prevents prices for such service that are unjust or unreasonable or unjustly or unreasonably discriminatory—

''(1) regulate the prices for such service;

''(2) require the filing of a schedule of charges for such service;

''(3) require the filing of any cost or revenue projections for such service;

''(4) regulate the depreciation charges for facilities used to provide such service; or

''(5) require prior approval for the construction or extension of lines or other equipment for the provision of such service.

''(d) ABILITY TO CONTINUE AFFORDABLE VOICE-GRADE SERVICE.—Notwithstanding subsections (a), (b), and (c), each State commission shall, for a period of not more than 3 years, permit residential subscribers to continue to receive only basic voice-grade local telephone service equivalent to the service generally available to residential subscribers on the date of enactment of this part, at just, reasonable, and affordable rates. Determinations concerning the affordability of rates for such services shall take into account the rates generally available to residential subscribers on such date of enactment and the pricing rules established by the States. Any increases in the rates for such services for residential subscribers that are not attributable to changes in consumer prices generally shall be permitted in any proceeding commenced after the date of enactment of this section upon a showing that such increase is necessary to ensure the continued availability of universal service, prevent economic disadvantages for one or more service providers, and is in the public interest. Such increase in rates shall be minimized to the greatest extent practical and shall be implemented over a time period of not more than 3 years after the the date of enactment of this section. The requirements of this subsection shall not apply to any rural telephone company if the rates for basic voice-grade local telephone service of that company are not subject to regulation by a State commission on the date of enactment of this part.

''(e) INTERSTATE INTEREXCHANGE SERVICE.—The rates charged by providers of interstate interexchange telecommunications service to customers in rural and high cost areas shall be maintained at levels no higher than those charged by each such provider to its customers in urban areas.

''(f) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(1) shall apply in lieu of the provisions of this section.

''(g) AVOIDANCE OF REDUNDANT REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission or a State commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''SEC. 249. NETWORK FUNCTIONALITY AND ACCESSIBILITY.

''(a) FUNCTIONALITY AND ACCESSIBILITY.—The duty of a common carrier under section 201(a) to furnish communications service includes the duty to furnish that service in accordance with any standards established pursuant to this section.

''(b) COORDINATION FOR INTERCONNECTIVITY.—The Commission—

''(1) shall establish procedures for Commission oversight of coordinated network planning by common carriers and other providers of telecommunications services for the effective and efficient interconnection of public switched networks; and

''(2) may participate, in a manner consistent with its authority and practice prior to the date of enactment of this section, in the development by appropriate industry standards-setting organizations of interconnection standards that promote access to—

''(A) network capabilities and services by individuals with disabilities; and

''(B) information services by subscribers to telephone exchange service furnished by a rural telephone company.

''(c) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

''(1) ACCESSIBILITY.—Within 1 year after the date of enactment of this section, the Commission shall prescribe such regulations as are necessary to ensure that, if readily achievable, advances in network services deployed by common carriers, and telecommunications equipment and customer premises equipment manufactured for use in conjunction with network services, shall be accessible and usable by individuals with disabilities, including individuals with functional limitations of hearing, vision, movement, manipulation, speech, and interpretation of information. Such regulations shall permit the use of both standard and special equipment, and seek to minimize the need of individuals to acquire additional devices beyond those used by the general public to obtain such access. Throughout the process of developing such regulations, the Commission shall coordinate and consult with representatives of individuals with disabilities and interested equipment and service providers to ensure their concerns and interests are given full consideration in such process.

''(2) COMPATIBILITY.—Such regulations shall require that whenever an undue burden or adverse competitive impact would result from the requirements in paragraph (1), the local exchange carrier that deploys the network service

shall ensure that the network service in question is compatible with existing peripheral devices or specialized customer premises equipment commonly used by persons with disabilities to achieve access, unless doing so would result in an undue burden or adverse competitive impact.

''(3) UNDUE BURDEN.—The term 'undue burden' means significant difficulty or expense. In determining whether the activity necessary to comply with the requirements of this subsection would result in an undue burden, the factors to be considered include the following:

''(A) The nature and cost of the activity.

''(B) The impact on the operation of the facility involved in the deployment of the network service.

''(C) The financial resources of the local exchange carrier.

''(D) The type of operations of the local exchange carrier.

''(4) ADVERSE COMPETITIVE IMPACT.—In determining whether the activity necessary to comply with the requirements of this subsection would result in adverse competitive impact, the following factors shall be considered:

''(A) Whether such activity would raise the cost of the network service in question beyond the level at which there would be sufficient consumer demand by the general population to make the network service profitable.

''(B) Whether such activity would, with respect to the network service in question, put the local exchange carrier at a competitive disadvantage. This factor may be considered so long as competing network service providers are not held to the same obligation with respect to access by persons with disabilities.

''(5) EFFECTIVE DATE.—The regulations required by this subsection shall become effective 18 months after the date of enactment of this part.

''(d) PRIVATE RIGHTS OF ACTIONS PROHIBITED.—Nothing in this section shall be construed to authorize any private right of action to enforce any requirement of this section or any regulation thereunder. The Commission shall have exclusive jurisdiction with respect to any complaint under this section.

"SEC. 250. MARKET ENTRY BARRIERS.

''(a) ELIMINATION OF BARRIERS.—Within 15 months after the date of enactment of this part, the Commission shall complete a proceeding for the purpose of identifying and eliminating, by regulations pursuant to its authority under this Act (other than this section), market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services, or in the provision of parts or services to providers of telecommunications services and information services.

''(b) NATIONAL POLICY.—In carrying out subsection (a), the Commission shall seek to promote the policies and purposes of this Act favoring diversity of points of view, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity.

''(c) PERIODIC REVIEW.—Every 3 years following the completion of the proceeding required by subsection (a), the Commission shall review and report to Congress on—

''(1) any regulations prescribed to eliminate barriers within its jurisdiction that are identified under subsection (a) and that can be prescribed consistent with the public interest, convenience, and necessity; and

''(2) the statutory barriers identified under subsection (a) that the Commission recommends be eliminated, consistent with the public interest, convenience, and necessity.

"SEC. 251. ILLEGAL CHANGES IN SUBSCRIBER CARRIER SELECTIONS.

''No common carrier shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe. Nothing in this section shall preclude any State commission from enforcing such procedures with respect to intrastate services.

"SEC. 252. STUDY.

''At least once every three years, the Commission shall conduct a study that—

''(1) reviews the definition of, and the adequacy of support for, universal service, and evaluates the extent to which universal service has been protected and access to advanced services has been facilitated pursuant to this part and the plans and regulations thereunder;

''(2) evaluates the extent to which access to advanced telecommunications services for students in elementary and secondary school classrooms has been attained pursuant to section 247(b)(5); and

''(3) determines whether the regulations established under section 249(c) have ensured that advances in network services by providers of telecommunications services and information services are accessible and usable by individuals with disabilities.

"SEC. 253. TERRITORIAL EXEMPTION.

''Until 5 years after the date of enactment of this part, the provisions of this part shall not apply to any local exchange carrier in any territory of the United States if (1) the local exchange carrier is owned by the government of such territory, and (2) on the date of enactment of this part, the number of households in such territory subscribing to telephone service is less than 85 percent of the total households located in such territory.''.

(b) CONSOLIDATED RULEMAKING PROCEEDING.—The Commission shall conduct a single consolidated rulemaking proceeding to prescribe or amend regulations necessary to implement the requirements of—

(1) part II of title II of the Act as added by subsection (a) of this section;

(2) section 222 as amended by section 104 of this Act; and

(3) section 224 as amended by section 105 of this Act.

(c) DESIGNATION OF PART I.—Title II of the Act is further amended by inserting before the heading of section 201 the following new heading:

"PART I—REGULATION OF DOMINANT COMMON CARRIERS".

(d) SYLISTIC CONSISTENCY.—The Act is amended so that—

(1) the designation and heading of each title of the Act shall be in the form and typeface of the designation and heading of this title of this Act; and

(2) the designation and heading of each part of each title of the Act shall be in the form and typeface of the designation and heading of part I of title II of the Act, as amended by subsection (c).

(e) CONFORMING AMENDMENTS.—

(1) FEDERAL-STATE JURISDICTION.—Section 2(b) of the Act (47 U.S.C. 152(b)) is amended by inserting ''part II of title II,'' after ''227, inclusive,''.

(2) FORFEITURES.—Sections 503(b)(1) and 504(b) of such Act (47 U.S.C. 503(b)) are each amended by inserting ''part I of'' before ''title II''.

SEC. 102. COMPETITION IN MANUFACTURING, INFORMATION SERVICES, ALARM SERVICES, AND PAY-PHONE SERVICES.

(a) COMPETITION IN MANUFACTURING, INFORMATION SERVICES, AND ALARM SERVICES.—Title II of the Act is amended by adding at the end of part II (as added by section 101) the following new part:

"PART III—SPECIAL AND TEMPORARY PROVISIONS

"SEC. 271. MANUFACTURING BY BELL OPERATING COMPANIES.

''(a) ACCESS AND INTERCONNECTION.—It shall be unlawful for a Bell operating company, directly or through an affiliate, to manufacture telecommunications equipment or customer premises equipment, until the Commission has approved under section 245(c) verifications that such Bell operating company, and each Bell operating company with which it is affiliated, are in compliance with the access and interconnection requirements of part II of this title.

''(b) COLLABORATION.—Subsection (a) shall not prohibit a Bell operating company from engaging in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment during the design and development of hardware, software, or combinations thereof related to such equipment.

''(c) INFORMATION REQUIREMENTS.—

''(1) INFORMATION ON PROTOCOLS AND TECHNICAL REQUIREMENTS.—Each Bell operating company shall, in accordance with regulations prescribed by the Commission, maintain and file with the Commission full and complete information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities. Each such company shall report promptly to the Commission any material changes or planned changes to such protocols and requirements, and the schedule for implementation of such changes or planned changes.

''(2) DISCLOSURE OF INFORMATION.—A Bell operating company shall not disclose any information required to be filed under paragraph (1) unless that information has been filed promptly, as required by regulation by the Commission.

''(3) ACCESS BY COMPETITORS TO INFORMATION.—The Commission may prescribe such additional regulations under this subsection as may be necessary to ensure that manufacturers have access to the information with respect to the protocols and technical requirements for connection with and use of telephone exchange service facilities that a Bell operating company makes available to any manufacturing affiliate or any unaffiliated manufacturer.

''(4) PLANNING INFORMATION.—Each Bell operating company shall provide, to contiguous common carriers providing telephone exchange service, timely information on the planned deployment of telecommunications equipment.

''(d) MANUFACTURING LIMITATIONS FOR STANDARD-SETTING ORGANIZATIONS.—

''(1) BELL COMMUNICATIONS RESEARCH.—The Bell Communications Research Corporation, or any successor entity, shall not engage in manufacturing telecommunications equipment or customer premises equipment so long as—

''(A) such Corporation or entity is owned, in whole or in part, by one or more Bell operating companies; or

''(B) such Corporation or entity engages in establishing standards for telecommunications equipment, customer premises equipment, or telecommunications services, or any product certification activities with respect to telecommunications equipment or customer premises equipment.

''(2) PARTICIPATION IN STANDARD SETTING; PROTECTION OF PROPRIETARY INFORMATION.—Any entity (including such Corporation) that engages in establishing standards for—

''(A) telecommunications equipment, customer premises equipment, or telecommunications services, or

''(B) any product certification activities with respect to telecommunications equipment or customer premises equipment,

for one or more Bell operating companies shall allow any other person to participate fully in such activities on a nondiscriminatory basis. Any such entity shall protect proprietary information submitted for review in the standards-setting and certification processes from release not specifically authorized by the owner of such information, even after such entity ceases to be so engaged.

''(e) BELL OPERATING COMPANY EQUIPMENT PROCUREMENT AND SALES.—

''(1) OBJECTIVE BASIS.—Each Bell operating company and any entity acting on behalf of a

Bell operating company shall make procurement decisions and award all supply contracts for equipment, services, and software on the basis of an objective assessment of price, quality, delivery, and other commercial factors.

''(2) SALES RESTRICTIONS.—A Bell operating company engaged in manufacturing may not restrict sales to any local exchange carrier of telecommunications equipment, including software integral to the operation of such equipment and related upgrades.

''(3) PROTECTION OF PROPRIETARY INFORMATION.—A Bell operating company and any entity it owns or otherwise controls shall protect the proprietary information submitted for procurement decisions from release not specifically authorized by the owner of such information.

''(f) ADMINISTRATION AND ENFORCEMENT AUTHORITY.—For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to any Bell operating company or any affiliate thereof as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

''(g) EXCEPTION FOR PREVIOUSLY AUTHORIZED ACTIVITIES.—Nothing in this section shall prohibit a Bell operating company or affiliate from engaging, at any time after the date of the enactment of this part, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VII or VIII(C) of the Modification of Final Judgment, if—

''(1) such order was entered on or before the date of the enactment of this part, or

''(2) a request for such authorization was pending before such court on the date of the enactment of this part.

''(h) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of any of the antitrust laws.

''(i) DEFINITION.—As used in this section, the term 'manufacturing' has the same meaning as such term has under the Modification of Final Judgment.

"SEC. 272. ELECTRONIC PUBLISHING BY BELL OPERATING COMPANIES.

''(a) LIMITATIONS.—No Bell operating company or any affiliate may engage in the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service, except that nothing in this section shall prohibit a separated affiliate or electronic publishing joint venture operated in accordance with this section from engaging in the provision of electronic publishing.

''(b) SEPARATED AFFILIATE OR ELECTRONIC PUBLISHING JOINT VENTURE REQUIREMENTS.—A separated affiliate or electronic publishing joint venture shall be operated independently from the Bell operating company. Such separated affiliate or joint venture and the Bell operating company with which it is affiliated shall—

''(1) maintain separate books, records, and accounts and prepare separate financial statements;

''(2) not incur debt in a manner that would permit a creditor of the separated affiliate or joint venture upon default to have recourse to the assets of the Bell operating company;

''(3) carry out transactions (A) in a manner consistent with such independence, (B) pursuant to written contracts or tariffs that are filed with the Commission and made publicly available, and (C) in a manner that is auditable in accordance with generally accepted auditing standards;

''(4) value any assets that are transferred directly or indirectly from the Bell operating company to a separated affiliate or joint venture, and record any transactions by which such assets are transferred, in accordance with such regulations as may be prescribed by the Commission or a State commission to prevent improper cross subsidies;

''(5) between a separated affiliate and a Bell operating company—

''(A) have no officers, directors, and employees in common after the effective date of this section; and

''(B) own no property in common;

''(6) not use for the marketing of any product or service of the separated affiliate or joint venture, the name, trademarks, or service marks of an existing Bell operating company except for names, trademarks, or service marks that are or were used in common with the entity that owns or controls the Bell operating company;

''(7) not permit the Bell operating company—

''(A) to perform hiring or training of personnel on behalf of a separated affiliate;

''(B) to perform the purchasing, installation, or maintenance of equipment on behalf of a separated affiliate, except for telephone service that it provides under tariff or contract subject to the provisions of this section; or

''(C) to perform research and development on behalf of a separated affiliate;

''(8) each have performed annually a compliance review—

''(A) that is conducted by an independent entity for the purpose of determining compliance during the preceding calendar year with any provision of this section; and

''(B) the results of which are maintained by the separated affiliate or joint venture and the Bell operating company for a period of 5 years subject to review by any lawful authority;

''(9) within 90 days of receiving a review described in paragraph (8), file a report of any exceptions and corrective action with the Commission and allow any person to inspect and copy such report subject to reasonable safeguards to protect any proprietary information contained in such report from being used for purposes other than to enforce or pursue remedies under this section.

''(c) JOINT MARKETING.—

''(1) IN GENERAL.—Except as provided in paragraph (2)—

''(A) a Bell operating company shall not carry out any promotion, marketing, sales, or advertising for or in conjunction with a separated affiliate; and

''(B) a Bell operating company shall not carry out any promotion, marketing, sales, or advertising for or in conjunction with an affiliate that is related to the provision of electronic publishing.

''(2) PERMISSIBLE JOINT ACTIVITIES.—

''(A) JOINT TELEMARKETING.—A Bell operating company may provide inbound telemarketing or referral services related to the provision of electronic publishing for a separated affiliate, electronic publishing joint venture, affiliate, or unaffiliated electronic publisher, provided that if such services are provided to a separated affiliate, electronic publishing joint venture, or affiliate, such services shall be made available to all electronic publishers on request, on nondiscriminatory terms.

''(B) TEAMING ARRANGEMENTS.—A Bell operating company may engage in nondiscriminatory teaming or business arrangements to engage in electronic publishing with any separated affiliate or with any other electronic publisher if (i) the Bell operating company only provides facilities, services, and basic telephone service information as authorized by this section, and (ii) the Bell operating company does not own such teaming or business arrangement.

''(C) ELECTRONIC PUBLISHING JOINT VENTURES.—A Bell operating company or affiliate may participate on a nonexclusive basis in electronic publishing joint ventures with entities that are not any Bell operating company, affiliate, or separated affiliate to provide electronic publishing services, if the Bell operating company or affiliate has not more than a 50 percent direct or indirect equity interest (or the equivalent thereof) or the right to more than 50 percent of the gross revenues under a revenue sharing or royalty agreement in any electronic publishing joint venture. Officers and employees of a Bell operating company or affiliate participating in an electronic publishing joint venture may not have more than 50 percent of the voting control over the electronic publishing joint venture. In the case of joint ventures with small, local electronic publishers, the Commission for good cause shown may authorize the Bell operating company or affiliate to have a larger equity interest, revenue share, or voting control but not to exceed 80 percent. A Bell operating company participating in an electronic publishing joint venture may provide promotion, marketing, sales, or advertising personnel and services to such joint venture.

''(d) PRIVATE RIGHT OF ACTION.—

''(1) DAMAGES.—Any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may file a complaint with the Commission or bring suit as provided in section 207 of this Act, and such Bell operating company, affiliate, or separated affiliate shall be liable as provided in section 206 of this Act; except that damages may not be awarded for a violation that is discovered by a compliance review as required by subsection (b)(7) of this section and corrected within 90 days.

''(2) CEASE AND DESIST ORDERS.—In addition to the provisions of paragraph (1), any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may make application to the Commission for an order to cease and desist such violation or may make application in any district court of the United States of competent jurisdiction for an order enjoining such acts or practices or for an order compelling compliance with such requirement.

''(e) SEPARATED AFFILIATE REPORTING REQUIREMENT.—Any separated affiliate under this section shall file with the Commission annual reports in a form substantially equivalent to the Form 10–K required by regulations of the Securities and Exchange Commission.

''(f) EFFECTIVE DATES.—

''(1) TRANSITION.—Any electronic publishing service being offered to the public by a Bell operating company or affiliate on the date of enactment of this section shall have one year from such date of enactment to comply with the requirements of this section.

''(2) SUNSET.—The provisions of this section shall not apply to conduct occurring after June 30, 2000.

''(g) DEFINITION OF ELECTRONIC PUBLISHING.—

''(1) IN GENERAL.—The term 'electronic publishing' means the dissemination, provision, publication, or sale to an unaffiliated entity or person, of any one or more of the following: news (including sports); entertainment (other than interactive games); business, financial, legal, consumer, or credit materials; editorials, columns, or features; advertising; photos or images; archival or research material; legal notices or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other like or similar information.

''(2) EXCEPTIONS.—The term 'electronic publishing' shall not include the following services:

''(A) Information access, as that term is defined by the Modification of Final Judgment.

''(B) The transmission of information as a common carrier.

''(C) The transmission of information as part of a gateway to an information service that does not involve the generation or alteration of the content of information, including data transmission, address translation, protocol conversion, billing management, introductory information content, and navigational systems that enable users to access electronic publishing services, which do not affect the presentation of such electronic publishing services to users.

''(D) Voice storage and retrieval services, including voice messaging and electronic mail services.

''(E) Data processing or transaction processing services that do not involve the generation or alteration of the content of information.

''(F) Electronic billing or advertising of a Bell operating company's regulated telecommunications services.

''(G) Language translation or data format conversion.

''(H) The provision of information necessary for the management, control, or operation of a telephone company telecommunications system.

''(I) The provision of directory assistance that provides names, addresses, and telephone numbers and does not include advertising.

''(J) Caller identification services.

''(K) Repair and provisioning databases and credit card and billing validation for telephone company operations.

''(L) 911–E and other emergency assistance databases.

''(M) Any other network service of a type that is like or similar to these network services and that does not involve the generation or alteration of the content of information.

''(N) Any upgrades to these network services that do not involve the generation or alteration of the content of information.

''(O) Video programming or full motion video entertainment on demand.

''(h) ADDITIONAL DEFINITIONS.—As used in this section—

''(1) The term 'affiliate' means any entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, a Bell operating company. Such term shall not include a separated affiliate.

''(2) The term 'basic telephone service' means wireline telephone exchange service provided by a Bell operating company in a telephone exchange area, except that such term does not include—

''(A) a competitive wireline telephone exchange service provided in a telephone exchange area where another entity provides a wireline telephone exchange service that was provided on January 1, 1984, and

''(B) a commercial mobile service.

''(3) The term 'basic telephone service information' means network and customer information of a Bell operating company and other information acquired by a Bell operating company as a result of its engaging in the provision of basic telephone service.

''(4) The term 'control' has the meaning that it has in 17 C.F.R. 240.12b–2, the regulations promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or any successor provision to such section.

''(5) The term 'electronic publishing joint venture' means a joint venture owned by a Bell operating company or affiliate that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

''(6) The term 'entity' means any organization, and includes corporations, partnerships, sole proprietorships, associations, and joint ventures.

''(7) The term 'inbound telemarketing' means the marketing of property, goods, or services by telephone to a customer or potential customer who initiated the call.

''(8) The term 'own' with respect to an entity means to have a direct or indirect equity interest (or the equivalent thereof) of more than 10 percent of an entity, or the right to more than 10 percent of the gross revenues of an entity under a revenue sharing or royalty agreement.

''(9) The term 'separated affiliate' means a corporation under common ownership or control with a Bell operating company that does not own or control a Bell operating company and is not owned or controlled by a Bell operating company and that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

''(10) The term 'Bell operating company' has the meaning provided in section 3, except that such term includes any entity or corporation that is owned or controlled by such a company (as so defined) but does not include an electronic publishing joint venture owned by such an entity or corporation.

"SEC. 273. ALARM MONITORING AND TELEMESSAGING SERVICES BY BELL OPERATING COMPANIES.

''(a) DELAYED ENTRY INTO ALARM MONITORING.—

''(1) PROHIBITION.—No Bell operating company or affiliate thereof shall engage in the provision of alarm monitoring services before the date which is 6 years after the date of enactment of this part.

''(2) EXISTING ACTIVITIES.—Paragraph (1) shall not apply to any provision of alarm monitoring services in which a Bell operating company or affiliate is lawfully engaged as of January 1, 1995, except that such Bell operating company or any affiliate may not acquire or otherwise obtain control of additional entities providing alarm monitoring services after such date.

''(b) NONDISCRIMINATION.—A common carrier engaged in the provision of alarm monitoring services or telemessaging services shall—

''(1) provide nonaffiliated entities, upon reasonable request, with the network services it provides to its own alarm monitoring or telemessaging operations, on nondiscriminatory terms and conditions; and

''(2) not subsidize its alarm monitoring services or its telemessaging services either directly or indirectly from telephone exchange service operations.

''(c) EXPEDITED CONSIDERATION OF COMPLAINTS.—The Commission shall establish procedures for the receipt and review of complaints concerning violations of subsection (b) or the regulations thereunder that result in material financial harm to a provider of alarm monitoring service or telemessaging service. Such procedures shall ensure that the Commission will make a final determination with respect to any such complaint within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, order the common carrier and its affiliates to cease engaging in such violation pending such final determination.

''(d) DEFINITIONS.—As used in this section:

''(1) ALARM MONITORING SERVICE.—The term 'alarm monitoring service' means a service that uses a device located at a residence, place of business, or other fixed premises—

''(A) to receive signals from other devices located at or about such premises regarding a possible threat at such premises to life, safety, or property, from burglary, fire, vandalism, bodily injury, or other emergency, and

''(B) to transmit a signal regarding such threat by means of transmission facilities of a Bell operating company or one of its affiliates to a remote monitoring center to alert a person at such center of the need to inform the customer or another person or police, fire, rescue, security, or public safety personnel of such threat,

but does not include a service that uses a medical monitoring device attached to an individual for the automatic surveillance of an ongoing medical condition.

''(2) TELEMESSAGING SERVICES.—The term 'telemessaging services' means voice mail and voice storage and retrieval services provided over telephone lines for telemessaging customers and any live operator services used to answer, record, transcribe, and relay messages (other than telecommunications relay services) from incoming telephone calls on behalf of the telemessaging customers (other than any service incidental to directory assistance).

"SEC. 274. PROVISION OF PAYPHONE SERVICE.

''(a) NONDISCRIMINATION SAFEGUARDS.—After the effective date of the rules prescribed pursuant to subsection (b), any Bell operating company that provides payphone service—

''(1) shall not subsidize its payphone service directly or indirectly with revenue from its telephone exchange service or its exchange access service; and

''(2) shall not prefer or discriminate in favor of it payphone service.

''(b) REGULATIONS.—

''(1) CONTENTS OF REGULATIONS.—In order to promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public, within 9 months after the date of enactment of this section, the Commission shall take all actions necessary (including any reconsideration) to prescribe regulations that—

''(A) establish a per call compensation plan to ensure that all payphone services providers are fairly compensated for each and every completed intrastate and interstate call using their payphone, except that emergency calls and telecommunications relay service calls for hearing disabled individuals shall not be subject to such compensation;

''(B) discontinue the intrastate and interstate carrier access charge payphone service elements and payments in effect on the date of enactment of this section, and all intrastate and interstate payphone subsidies from basic exchange and exchange access revenues, in favor of a compensation plan as specified in subparagraph (A);

''(C) prescribe a set of nonstructural safeguards for Bell operating company payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the Computer Inquiry-III CC Docket No. 90–623 proceeding; and

''(D) provide for Bell operating company payphone service providers to have the same right that independent payphone providers have to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry interLATA calls from their payphones, and provide for all payphone service providers to have the right to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry intraLATA calls from their payphones.

''(2) PUBLIC INTEREST TELEPHONES.—In the rulemaking conducted pursuant to paragraph (1), the Commission shall determine whether public interest payphones, which are provided in the interest of public health, safety, and welfare, in locations where there would otherwise not be a payphone, should be maintained, and if so, ensure that such public interest payphones are supported fairly and equitably.

''(3) EXISTING CONTRACTS.—Nothing in this section shall affect any existing contracts between location providers and payphone service providers or interLATA or intraLATA carriers that are in force and effect as of the date of the enactment of this Act.

''(c) STATE PREEMPTION.—To the extent that any State requirements are inconsistent with the Commission's regulations, the Commission's regulations on such matters shall preempt State requirements.

''(d) DEFINITION.—As used in this section, the term 'payphone service' means the provision of public or semi-public pay telephones, the provision of inmate telephone service in correctional institutions, and any ancillary services.''.

SEC. 103. FORBEARANCE FROM REGULATION.

Part I of title II of the Act (as redesignated by section 101(c) of this Act) is amended by inserting after section 229 (47 U.S.C. 229) the following new section:

"SEC. 230. FORBEARANCE FROM REGULATION.

''(a) AUTHORITY TO FORBEAR.—The Commission shall forbear from applying any provision of this part or part II (other than sections 201, 202, 208, 243, and 248), or any regulation thereunder, to a common carrier or service, or class of carriers or services, in any or some of its or their geographic markets, if the Commission determines that—

''(1) enforcement of such provision or regulation is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that carrier or service are just and reasonable and are not unjustly or unreasonably discriminatory;

''(2) enforcement of such regulation or provision is not necessary for the protection of consumers; and

''(3) forbearance from applying such provision or regulation is consistent with the public interest.

''(b) COMPETITIVE EFFECT TO BE WEIGHED.—In making the determination under subsection (a)(3), the Commission shall consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services. If the Commission determines that such forbearance will promote competition among providers of telecommunications services, that determination may be the basis for a Commission finding that forbearance is in the public interest.''.

SEC. 104. PRIVACY OF CUSTOMER INFORMATION.

(a) PRIVACY OF CUSTOMER PROPRIETARY NETWORK INFORMATION.—Title II of the Act is amended by inserting after section 221 (47 U.S.C. 221) the following new section:

"SEC. 222. PRIVACY OF CUSTOMER PROPRIETARY NETWORK INFORMATION.

''(a) SUBSCRIBER LIST INFORMATION.—Notwithstanding subsections (b), (c), and (d), a carrier that provides local exchange service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format.

''(b) PRIVACY REQUIREMENTS FOR COMMON CARRIERS.—A carrier—

''(1) shall not, except as required by law or with the approval of the customer to which the information relates—

''(A) use customer proprietary network information in the provision of any service except to the extent necessary (i) in the provision of common carrier services, (ii) in the provision of a service necessary to or used in the provision of common carrier services, including the publishing of directories, or (iii) to continue to provide a particular information service that the carrier provided as of May 1, 1995, to persons who were customers of such service on that date;

''(B) use customer proprietary network information in the identification or solicitation of potential customers for any service other than the telephone exchange service or telephone toll service from which such information is derived;

''(C) use customer proprietary network information in the provision of customer premises equipment; or

''(D) disclose customer proprietary network information to any person except to the extent necessary to permit such person to provide services or products that are used in and necessary to the provision by such carrier of the services described in subparagraph (A);

''(2) shall disclose customer proprietary network information, upon affirmative written request by the customer, to any person designated by the customer;

''(3) shall, whenever such carrier provides any aggregate information, notify the Commission of the availability of such aggregate information and shall provide such aggregate information on reasonable terms and conditions to any other service or equipment provider upon reasonable request therefor; and

''(4) except for disclosures permitted by paragraph (1)(D), shall not unreasonably discriminate between affiliated and unaffiliated service or equipment providers in providing access to, or in the use and disclosure of, individual and aggregate information made available consistent with this subsection.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to prohibit the use or disclosure of customer proprietary network information as necessary—

''(1) to render, bill, and collect for the services identified in subsection (b)(1)(A);

''(2) to render, bill, and collect for any other service that the customer has requested;

''(3) to protect the rights or property of the carrier;

''(4) to protect users of any of those services and other carriers from fraudulent, abusive, or unlawful use of or subscription to such service; or

''(5) to provide any inbound telemarketing, referral, or administrative services to the customer for the duration of the call if such call was initiated by the customer and the customer approves of the use of such information to provide such service.

''(d) EXEMPTION PERMITTED.—The Commission may, by rule, exempt from the requirements of subsection (b) carriers that have, together with any affiliated carriers, in the aggregate nationwide, fewer than 500,000 access lines installed if the Commission determines that such exemption is in the public interest or if compliance with the requirements would impose an undue economic burden on the carrier.

''(e) DEFINITIONS.—As used in this section:

''(1) CUSTOMER PROPRIETARY NETWORK INFORMATION.—The term 'customer proprietary network information' means—

''(A) information which relates to the quantity, technical configuration, type, destination, and amount of use of telephone exchange service or telephone toll service subscribed to by any customer of a carrier, and is made available to the carrier by the customer solely by virtue of the carrier-customer relationship;

''(B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; and

''(C) such other information concerning the customer as is available to the local exchange carrier by virtue of the customer's use of the carrier's telephone exchange service or telephone toll services, and specified as within the definition of such term by such rules as the Commission shall prescribe consistent with the public interest;

except that such term does not include subscriber list information.

''(2) SUBSCRIBER LIST INFORMATION.—The term 'subscriber list information' means any information—

''(A) identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and

''(B) that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

''(3) AGGREGATE INFORMATION.—The term 'aggregate information' means collective data that relates to a group or category of services or customers, from which individual customer identities and characteristics have been removed.''.

(b) CONVERGING COMMUNICATIONS TECHNOLOGIES AND CONSUMER PRIVACY.—

(1) COMMISSION EXAMINATION.—Within one year after the date of enactment of this Act, the Commission shall commence a proceeding—

(A) to examine the impact of the integration into interconnected communications networks of wireless telephone, cable, satellite, and other technologies on the privacy rights and remedies of the consumers of those technologies;

(B) to examine the impact that the globalization of such integrated communications networks has on the international dissemination of consumer information and the privacy rights and remedies to protect consumers;

(C) to propose changes in the Commission's regulations to ensure that the effect on consumer privacy rights is considered in the introduction of new telecommunications services and that the protection of such privacy rights is incorporated as necessary in the design of such services or the rules regulating such services;

(D) to propose changes in the Commission's regulations as necessary to correct any defects identified pursuant to subparagraph (A) in such rights and remedies; and

(E) to prepare recommendations to the Congress for any legislative changes required to correct such defects.

(2) SUBJECTS FOR EXAMINATION.—In conducting the examination required by paragraph (1), the Commission shall determine whether consumers are able, and, if not, the methods by which consumers may be enabled—

(A) to have knowledge that consumer information is being collected about them through their utilization of various communications technologies;

(B) to have notice that such information could be used, or is intended to be used, by the entity collecting the data for reasons unrelated to the original communications, or that such information could be sold (or is intended to be sold) to other companies or entities; and

(C) to stop the reuse or sale of that information.

(3) SCHEDULE FOR COMMISSION RESPONSES.—The Commission shall, within 18 months after the date of enactment of this Act—

(A) complete any rulemaking required to revise Commission regulations to correct defects in such regulations identified pursuant to paragraph (1); and

(B) submit to the Congress a report containing the recommendations required by paragraph (1)(C).

SEC. 105. POLE ATTACHMENTS.

Section 224 of the Act (47 U.S.C. 224) is amended—

(1) in subsection (a)(4)—

(A) by inserting after ''system'' the following: ''or a provider of telecommunications service''; and

(B) by inserting after ''utility'' the following: '', which attachment may be used by such entities to provide cable service or any telecommunications service'';

(2) in subsection (c)(2)(B), by striking ''cable television services'' and inserting ''the services offered via such attachments'';

(3) by redesignating subsection (d)(2) as subsection (d)(4); and

(4) by striking subsection (d)(1) and inserting the following:

''(d)(1) For purposes of subsection (b) of this section, the Commission shall, no later than 1 year after the date of enactment of the Communications Act of 1995, prescribe regulations for ensuring that utilities charge just and reasonable and nondiscriminatory rates for pole attachments provided to all providers of telecommunications services, including such attachments used by cable television systems to provide telecommunications services (as defined in section 3 of this Act). Such regulations shall—

''(A) recognize that the entire pole, duct, conduit, or right-of-way other than the usable space is of equal benefit all entities attaching to the pole and therefore apportion the cost of the

space other than the usable space equally among all such attachments;

''(B) recognize that the usable space is of proportional benefit to all entities attaching to the pole, duct, conduit or right-of-way and therefore apportion the cost of the usable space according to the percentage of usable space required for each entity; and

''(C) allow for reasonable terms and conditions relating to health, safety, and the provision of reliable utility service.

''(2) The final regulations prescribed by the Commission pursuant to paragraph (1) shall not apply to a cable television system that solely provides cable service as defined in section 602(6) of this Act; instead, the pole attachment rate for such systems shall assure a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the total usable space, or the percentage of the total duct or conduit capacity, which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs of the utility attributable to the entire pole, duct, conduit, or right-of-way.

''(3) Whenever the owner of a conduit or right-of-way intends to modify or alter such conduit or right-of-way, the owner shall provide written notification of such action to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such conduit or right-of-way accessible.''.

SEC. 106. PREEMPTION OF FRANCHISING AUTHORITY REGULATION OF TELECOMMUNICATIONS SERVICES.

(a) TELECOMMUNICATIONS SERVICES.—Section 621(b) of the Act (47 U.S.C. 541(c)) is amended by adding at the end thereof the following new paragraph:

''(3)(A) To the extent that a cable operator or affiliate thereof is engaged in the provision of telecommunications services—

''(i) such cable operator or affiliate shall not be required to obtain a franchise under this title; and

''(ii) the provisions of this title shall not apply to such cable operator or affiliate.

''(B) A franchising authority may not impose any requirement that has the purpose or effect of prohibiting, limiting, restricting, or conditioning the provision of a telecommunications service by a cable operator or an affiliate thereof.

''(C) A franchising authority may not order a cable operator or affiliate thereof—

''(i) to discontinue the provision of a telecommunications service, or

''(ii) to discontinue the operation of a cable system, to the extent such cable system is used for the provision of a telecommunications service, by reason of the failure of such cable operator or affiliate thereof to obtain a franchise or franchise renewal under this title with respect to the provision of such telecommunications service.

''(D) A franchising authority may not require a cable operator to provide any telecommunications service or facilities as a condition of the initial grant of a franchise or a franchise renewal.''.

(b) FRANCHISE FEES.—Section 622(b) of the Act (47 U.S.C. 542(b)) is amended by inserting ''to provide cable services'' immediately before the period at the end of the first sentence thereof.

SEC. 107. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) of the Act (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

''(7) FACILITIES SITING POLICIES.—(A) Within 180 days after enactment of this paragraph, the Commission shall prescribe and make effective a policy regarding State and local regulation of the placement, construction, modification, or operation of facilities for the provision of commercial mobile services.

''(B) Pursuant to subchapter III of chapter 5, title 5, United States Code, the Commission shall establish a negotiated rulemaking committee to negotiate and develop a proposed policy to comply with the requirements of this paragraph. Such committee shall include representatives from State and local governments, affected industries, and public safety agencies. In negotiating and developing such a policy, the committee shall take into account—

''(i) the desirability of enhancing the coverage and quality of commercial mobile services and fostering competition in the provision of such services;

''(ii) the legitimate interests of State and local governments in matters of exclusively local concern;

''(iii) the effect of State and local regulation of facilities siting on interstate commerce; and

''(iv) the administrative costs to State and local governments of reviewing requests for authorization to locate facilities for the provision of commercial mobile services.

''(C) The policy prescribed pursuant to this paragraph shall ensure that—

''(i) regulation of the placement, construction, and modification of facilities for the provision of commercial mobile services by any State or local government or instrumentality thereof—

''(I) is reasonable, nondiscriminatory, and limited to the minimum necessary to accomplish the State or local government's legitimate purposes; and

''(II) does not prohibit or have the effect of precluding any commercial mobile service; and

''(ii) a State or local government or instrumentality thereof shall act on any request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services within a reasonable period of time after the request is fully filed with such government or instrumentality; and

''(iii) any decision by a State or local government or instrumentality thereof to deny a request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services shall be in writing and shall be supported by substantial evidence contained in a written record.

''(D) The policy prescribed pursuant to this paragraph shall provide that no State or local government or any instrumentality thereof may regulate the placement, construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions.

''(E) In accordance with subchapter III of chapter 5, title 5, United States Code, the Commission shall periodically establish a negotiated rulemaking committee to review the policy prescribed by the Commission under this paragraph and to recommend revisions to such policy.''.

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93–62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the Commission shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications facilities by duly licensed providers of telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable cost-based fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

SEC. 108. MOBILE SERVICE ACCESS TO LONG DISTANCE CARRIERS.

(a) AMENDMENT.—Section 332(c) of the Act (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

''(8) MOBILE SERVICES ACCESS.—(A) The Commission shall prescribe regulations to afford subscribers of two-way switched voice commercial mobile radio services access to a provider of telephone toll service of the subscriber's choice, except to the extent that the commercial mobile radio service is provided by satellite. The Commission may exempt carriers or classes of carriers from the requirements of such regulations to the extent the Commission determines such exemption is consistent with the public interest, convenience, and necessity. For purposes of this paragraph, 'access' shall mean access to a provider of telephone toll service through the use of carrier identification codes assigned to each such provider.

''(B) The regulations prescribed by the Commission pursuant to subparagraph (A) shall supersede any inconsistent requirements imposed by the Modification of Final Judgment or any order in United States v. AT&T Corp. and McCaw Cellular Communications, Inc., Civil Action No. 94–01555 (United States District Court, District of Columbia).''.

(b) EFFECTIVE DATE CONFORMING AMENDMENT.—Section 6002(c)(2)(B) of the Omnibus Budget Reconciliation Act of 1993 is amended by striking ''section 332(c)(6)'' and inserting ''paragraphs (6) and (8) of section 332(c)''.

SEC. 109. FREEDOM FROM TOLL FRAUD.

(a) AMENDMENT.—Section 228(c) of the Act (47 U.S.C. 228(c)) is amended—

(1) by striking subparagraph (C) of paragraph (7) and inserting the following:

''(C) the calling party being charged for information conveyed during the call unless—

''(i) the calling party has a written subscription agreement with the information provider that meets the requirements of paragraph (8); or

''(ii) the calling party is charged in accordance with paragraph (9); or''; and

(2) by adding at the end the following new paragraphs:

''(8) SUBSCRIPTION AGREEMENTS FOR BILLING FOR INFORMATION PROVIDED VIA TOLL-FREE CALLS.—

''(A) IN GENERAL.—For purposes of paragraph (7)(C)(i), a written subscription agreement shall specify the terms and conditions under which the information is offered and include—

''(i) the rate at which charges are assessed for the information;

''(ii) the information provider's name;

''(iii) the information provider's business address;

''(iv) the information provider's regular business telephone number;

''(v) the information provider's agreement to notify the subscriber at least 30 days in advance of all future changes in the rates charged for the information;

''(vi) the signature of a legally competent subscriber agreeing to the terms of the agreement; and

''(vii) the subscriber's choice of payment method, which may be by phone bill or credit, prepaid, or calling card.

''(B) BILLING ARRANGEMENTS.—If a subscriber elects, pursuant to subparagraph (A)(vii), to pay by means of a phone bill—

''(i) the agreement shall clearly explain that the subscriber will be assessed for calls made to the information service from the subscriber's phone line;

''(ii) the phone bill shall include, in prominent type, the following disclaimer:

'Common carriers may not disconnect local or long distance telephone service for failure to pay disputed charges for information services.'; and

''(iii) the phone bill shall clearly list the 800 number dialed.

''(C) USE OF PIN'S TO PREVENT UNAUTHORIZED USE.—A written agreement does not meet the requirements of this paragraph unless it provides the subscriber a personal identification number to obtain access to the information provided, and includes instructions on its use.

''(D) EXCEPTIONS.—Notwithstanding paragraph (7)(C), a written agreement that meets the requirements of this paragraph is not required—

''(i) for services provided pursuant to a tariff that has been approved or permitted to take effect by the Commission or a State commission; or

''(ii) for any purchase of goods or of services that are not information services.

''(E) TERMINATION OF SERVICE.—On complaint by any person, a carrier may terminate the provision of service to an information provider unless the provider supplies evidence of a written agreement that meets the requirements of this section. The remedies provided in this paragraph are in addition to any other remedies that are available under title V of this Act.

''(9) CHARGES BY CREDIT, PREPAID, OR CALLING CARD IN ABSENCE OF AGREEMENT.—For purposes of paragraph (7)(C)(ii), a calling party is not charged in accordance with this paragraph unless the calling party is charged by means of a credit, prepaid, or calling card and the information service provider includes in response to each call an introductory disclosure message that—

''(A) clearly states that there is a charge for the call;

''(B) clearly states the service's total cost per minute and any other fees for the service or for any service to which the caller may be transferred;

''(C) explains that the charges must be billed on either a credit, prepaid, or calling card;

''(D) asks the caller for the credit or calling card number;

''(E) clearly states that charges for the call begin at the end of the introductory message; and

''(F) clearly states that the caller can hang up at or before the end of the introductory message without incurring any charge whatsoever.

''(10) DEFINITION OF CALLING CARD.—As used in this subsection, the term 'calling card' means an identifying number or code unique to the individual, that is issued to the individual by a common carrier and enables the individual to be charged by means of a phone bill for charges incurred independent of where the call originates.''.

(b) REGULATIONS.—The Federal Communications Commission shall revise its regulations to comply with the amendment made by subsection (a) of this section within 180 days after the date of enactment of this Act.

SEC. 110. REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.

(a) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary and Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and Commerce of the House of Representatives a report containing—

(1) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(2) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(3) an evaluation of the technical means available—

(A) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(B) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(C) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(4) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in subparagraphs (A) and (B) of paragraph (3).

(b) CONSULTATION.—In preparing the report under subsection (a), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other sums authorized by law, there are authorized to be appropriated to the Federal Communications Commission such sums as may be necessary to carry out this Act and the amendments made by this Act.

(b) EFFECT ON FEES.—For the purposes of section 9(b)(2) of the Act (47 U.S.C. 159(b)(2)), additional amounts appropriated pursuant to subsection (a) shall be construed to be changes in the amounts appropriated for the performance of activities described in section 9(a) of such Act.

TITLE II—CABLE COMMUNICATIONS COMPETITIVENESS

SEC. 201. CABLE SERVICE PROVIDED BY TELEPHONE COMPANIES.

(a) GENERAL REQUIREMENT.—

(1) AMENDMENT.—Section 613(b) of the Act (47 U.S.C. 533(b)) is amended to read as follows:

''(b)(1) Subject to the requirements of part V and the other provisions of this title, any common carrier subject in whole or in part to title II of this Act may, either through its own facilities or through an affiliate, provide video programming directly to subscribers in its telephone service area.

''(2) Subject to the requirements of part V and the other provisions of this title, any common carrier subject in whole or in part to title II of this Act may provide channels of communications or pole, line, or conduit space, or other rental arrangements, to any entity which is directly or indirectly owned, operated, or controlled by, or under common control with, such common carrier, if such facilities or arrangements are to be used for, or in connection with, the provision of video programming directly to subscribers in its telephone service area.

''(3)(A) Notwithstanding paragraphs (1) and (2), an affiliate described in subparagraph (B) shall not be subject to the requirements of part V, but—

''(i) if providing video programming as a cable service using a cable system, shall be subject to the requirements of this part and parts III and IV; and

''(ii) if providing such video programming by means of radio communication, shall be subject to the requirements of title III.

''(B) For purposes of subparagraph (A), an affiliate is described in this subparagraph if such affiliate—

''(i) is, consistently with section 655, owned, operated, or controlled by, or under common control with, a common carrier subject in whole or in part to title II of this Act;

''(ii) provides video programming to subscribers in the telephone service area of such carrier; and

''(iii) does not utilize the local exchange facilities or services of any affiliated common carrier in distributing such programming.''.

(2) CONFORMING AMENDMENT.—Section 602 of the Act (47 U.S.C. 531) is amended—

(A) by redesignating paragraphs (18) and (19) as paragraphs (19) and (20) respectively; and

(B) by inserting after paragraph (17) the following new paragraph:

''(18) the term 'telephone service area' when used in connection with a common carrier subject in whole or in part to title II of this Act means the area within which such carrier provides telephone exchange service as of January 1, 1993, but if any common carrier after such date transfers its exchange service facilities to another common carrier, the area to which such facilities provide telephone exchange service shall be treated as part of the telephone service area of the acquiring common carrier and not of the selling common carrier;''.

(b) PROVISIONS FOR REGULATION OF CABLE SERVICE PROVIDED BY TELEPHONE COMPANIES.—Title VI of the Act (47 U.S.C. 521 et seq.) is amended by adding at the end the following new part:

''PART V—VIDEO PROGRAMMING SERVICES PROVIDED BY TELEPHONE COMPANIES

''SEC. 651. DEFINITIONS.

''For purposes of this part—

''(1) the term 'control' means—

''(A) an ownership interest in which an entity has the right to vote more than 50 percent of the outstanding common stock or other ownership interest; or

''(B) if no single entity directly or indirectly has the right to vote more than 50 percent of the outstanding common stock or other ownership interest, actual working control, in whatever manner exercised, as defined by the Commission by regulation on the basis of relevant factors and circumstances, which shall include partnership and direct ownership interests, voting stock interests, the interests of officers and directors, and the aggregation of voting interests; and

''(2) the term 'rural area' means a geographic area that does not include either—

''(A) any incorporated or unincorporated place of 10,000 inhabitants or more, or any part thereof; or

''(B) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census.

''SEC. 652. SEPARATE VIDEO PROGRAMMING AFFILIATE.

''(a) IN GENERAL.—Except as provided in subsection (d) of this section and section 613(b)(3), a common carrier subject to title II of this Act shall not provide video programming directly to subscribers in its telephone service area unless such video programming is provided through a video programming affiliate that is separate from such carrier.

''(b) BOOKS AND MARKETING.—

''(1) IN GENERAL.—A video programming affiliate of a common carrier shall—

''(A) maintain books, records, and accounts separate from such carrier which identify all transactions with such carrier;

''(B) carry out directly (or through any nonaffiliated person) its own promotion, except that institutional advertising carried out by such carrier shall be permitted so long as each party bears its pro rata share of the costs; and

''(C) not own real or personal property in common with such carrier.

''(2) INBOUND TELEMARKETING AND REFERRAL.—Notwithstanding paragraph (1)(B), a common carrier may provide telemarketing or referral services in response to the call of a customer or potential customer related to the provision of video programming by a video programming affiliate of such carrier. If such services

are provided to a video programming affiliate, such services shall be made available to any video programmer or cable operator on request, on nondiscriminatory terms, at just and reasonable prices.

''(3) JOINT MARKETING.—Notwithstanding paragraph (1)(B) or section 613(b)(3), a common carrier may market video programming directly upon a showing to the Commission that a cable operator or other entity directly or indirectly provides telecommunications services within the telephone service area of the common carrier, and markets such telecommunications services jointly with video programming services. The common carrier shall specify the geographic region covered by the showing. The Commission shall approve or disapprove such showing within 60 days after the date of its submission.

''(c) BUSINESS TRANSACTIONS WITH CARRIER.—Any contract, agreement, arrangement, or other manner of conducting business, between a common carrier and its video programming affiliate, providing for—

''(1) the sale, exchange, or leasing of property between such affiliate and such carrier,

''(2) the furnishing of goods or services between such affiliate and such carrier, or

''(3) the transfer to or use by such affiliate for its benefit of any asset or resource of such carrier,

shall be on a fully compensatory and auditable basis, shall be without cost to the telephone service ratepayers of the carrier, and shall be in compliance with regulations established by the Commission that will enable the Commission to assess the compliance of any transaction.

''(d) WAIVER.—

''(1) CRITERIA FOR WAIVER.—The Commission may waive any of the requirements of this section for small telephone companies or telephone companies serving rural areas, if the Commission determines, after notice and comment, that—

''(A) such waiver will not affect the ability of the Commission to ensure that all video programming activity is carried out without any support from telephone ratepayers;

''(B) the interests of telephone ratepayers and cable subscribers will not be harmed if such waiver is granted;

''(C) such waiver will not adversely affect the ability of persons to obtain access to the video platform of such carrier; and

''(D) such waiver otherwise is in the public interest.

''(2) DEADLINE FOR ACTION.—The Commission shall act to approve or disapprove a waiver application within 180 days after the date it is filed.

''(3) CONTINUED APPLICABILITY OF SECTION 656.—In the case of a common carrier that obtains a waiver under this subsection, any requirement that section 656 applies to a video programming affiliate shall instead apply to such carrier.

''(e) SUNSET OF REQUIREMENTS.—The provisions of this section shall cease to be effective on July 1, 2000.

"SEC. 653. ESTABLISHMENT OF VIDEO PLATFORM.

''(a) VIDEO PLATFORM.—

''(1) IN GENERAL.—Except as provided in section 613(b)(3), any common carrier subject to title II of this Act, and that provides video programming directly to subscribers in its telephone service area, shall establish a video platform. This paragraph shall not apply to any carrier to the extent that it provides video programming directly to subscribers in its telephone service area solely through a cable system acquired in accordance with section 655(b).

''(2) IDENTIFICATION OF DEMAND FOR CARRIAGE.—Any common carrier subject to the requirements of paragraph (1) shall, prior to establishing a video platform, submit a notice to the Commission of its intention to establish channel capacity for the provision of video programming to meet the bona fide demand for such capacity. Such notice shall—

''(A) be in such form and contain information concerning the geographic area intended to be served and such information as the Commission may require by regulations pursuant to subsection (b);

''(B) specify the methods by which any entity seeking to use such channel capacity should submit to such carrier a specification of its channel capacity requirements; and

''(C) specify the procedures by which such carrier will determine (in accordance with the Commission's regulations under subsection (b)(1)(B)) whether such requests for capacity are bona fide.

The Commission shall submit any such notice for publication in the Federal Register within 5 working days.

''(3) RESPONSE TO REQUEST FOR CARRIAGE.—After receiving and reviewing the requests for capacity submitted pursuant to such notice, such common carrier shall establish channel capacity that is sufficient to provide carriage for—

''(A) all bona fide requests submitted pursuant to such notice,

''(B) any additional channels required pursuant to section 656, and

''(C) any additional channels required by the Commission's regulations under subsection (b)(1)(C).

''(4) RESPONSES TO CHANGES IN DEMAND FOR CAPACITY.—Any common carrier that establishes a video platform under this section shall—

''(A) immediately notify the Commission and each video programming provider of any delay in or denial of channel capacity or service, and the reasons therefor;

''(B) continue to receive and grant, to the extent of available capacity, carriage in response to bona fide requests for carriage from existing or additional video programming providers;

''(C) if at any time the number of channels required for bona fide requests for carriage may reasonably be expected soon to exceed the existing capacity of such video platform, immediately notify the Commission of such expectation and of the manner and date by which such carrier will provide sufficient capacity to meet such excess demand; and

''(D) construct such additional capacity as may be necessary to meet such excess demand.

''(5) DISPUTE RESOLUTION.—The Commission shall have the authority to resolve disputes under this section and the regulations prescribed thereunder. Any such dispute shall be resolved within 180 days after notice of such dispute is submitted to the Commission. At that time or subsequently in a separate damages proceeding, the Commission may award damages sustained in consequence of any violation of this section to any person denied carriage, or require carriage, or both. Any aggrieved party may seek any other remedy available under this Act.

''(b) COMMISSION ACTIONS.—

''(1) IN GENERAL.—Within 15 months after the date of the enactment of this section, the Commission shall complete all actions necessary (including any reconsideration) to prescribe regulations that—

''(A) consistent with the requirements of section 656, prohibit a common carrier from discriminating among video programming providers with regard to carriage on its video platform, and ensure that the rates, terms, and conditions for such carriage are just, reasonable, and nondiscriminatory;

''(B) prescribe definitions and criteria for the purposes of determining whether a request shall be considered a bona fide request for purposes of this section;

''(C) permit a common carrier to carry on only one channel any video programming service that is offered by more than one video programming provider (including the common carrier's video programming affiliate), provided that subscribers have ready and immediate access to any such video programming service;

''(D) extend to the distribution of video programming over video platforms the Commission's regulations concerning network nonduplication (47 C.F.R. 76.92 et seq.) and syndicated exclusivity (47 C.F.R. 76.151 et seq.);

''(E) require the video platform to provide service, transmission, and interconnection for unaffiliated or independent video programming providers that is equivalent to that provided to the common carrier's video programming affiliate, except that the video platform shall not discriminate between analog and digital video programming offered by such unaffiliated or independent video programming providers;

''(F)(i) prohibit a common carrier from unreasonably discriminating in favor of its video programming affiliate with regard to material or information provided by the common carrier to subscribers for the purposes of selecting programming on the video platform, or in the way such material or information is presented to subscribers;

''(ii) require a common carrier to ensure that video programming providers or copyright holders (or both) are able suitably and uniquely to identify their programming services to subscribers; and

''(iii) if such identification is transmitted as part of the programming signal, require the carrier to transmit such identification without change or alteration; and

''(G) prohibit a common carrier from excluding areas from its video platform service area on the basis of the ethnicity, race, or income of the residents of that area, and provide for public comments on the adequacy of the proposed service area on the basis of the standards set forth under this subparagraph.

Nothing in this section prohibits a common carrier or its affiliate from negotiating mutually agreeable terms and conditions with over-the-air broadcast stations and other unaffiliated video programming providers to allow consumer access to their signals on any level or screen of any gateway, menu, or other program guide, whether provided by the carrier or its affiliate.

''(2) APPLICABILITY TO OTHER HIGH CAPACITY SYSTEMS.—The Commission shall apply the requirements of this section, in lieu of the requirements of section 612, to any cable operator of a cable system that has installed a switched, broadband video programming delivery system, except that the Commission shall not apply the requirements of the regulations prescribed pursuant to subsection (b)(1)(D) or any other requirement that the Commission determines is inappropriate.

''(c) REGULATORY STREAMLINING.—With respect to the establishment and operation of a video platform, the requirements of this section shall apply in lieu of, and not in addition to, the requirements of title II.

''(d) COMMISSION INQUIRY.—The Commission shall conduct a study of whether it is in the public interest to extend the requirements of subsection (a) to any other cable operators in lieu of the requirements of section 612. The Commission shall submit to the Congress a report on the results of such study not later than 2 years after the date of enactment of this section.

"SEC. 654. AUTHORITY TO PROHIBIT CROSS-SUBSIDIZATION.

''Nothing in this part shall prohibit a State commission that regulates the rates for telephone exchange service or exchange access based on the cost of providing such service or access from—

''(1) prescribing regulations to prohibit a common carrier from engaging in any practice that results in the inclusion in rates for telephone exchange service or exchange access of any operating expenses, costs, depreciation charges, capital investments, or other expenses directly associated with the provision of competing video programming services by the common carrier or affiliate; or

''(2) ensuring such competing video programming services bear a reasonable share of the joint and common costs of facilities used to provide telephone exchange service or exchange access and competing video programming services.

"SEC. 655. PROHIBITION ON BUY OUTS.

''(a) GENERAL PROHIBITION.—No common carrier that provides telephone exchange service, and no entity owned by or under common ownership or control with such carrier, may purchase or otherwise obtain control over any cable system that is located within its telephone service area and is owned by an unaffiliated person.

''(b) EXCEPTIONS.—Notwithstanding subsection (a), a common carrier may—

''(1) obtain a controlling interest in, or form a joint venture or other partnership with, a cable system that serves a rural area;

''(2) obtain, in addition to any interest, joint venture, or partnership obtained or formed pursuant to paragraph (1), a controlling interest in, or form a joint venture or other partnership with, any cable system or systems if—

''(A) such systems in the aggregate serve less than 10 percent of the households in the telephone service area of such carrier; and

''(B) no such system serves a franchise area with more than 35,000 inhabitants, except that a common carrier may obtain such interest or form such joint venture or other partnership with a cable system that serves a franchise area with more than 35,000 but not more than 50,000 inhabitants if such system is not affiliated with any other system whose franchise area is contiguous to the franchise area of the acquired system;

''(3) obtain, with the concurrence of the cable operator on the rates, terms, and conditions, the use of that part of the transmission facilities of such a cable system extending from the last multi-user terminal to the premises of the end user, if such use is reasonably limited in scope and duration, as determined by the Commission; or

''(4) obtain a controlling interest in, or form a joint venture or other partnership with, or provide financing to, a cable system (hereinafter in this paragraph referred to as 'the subject cable system'), if—

''(A) the subject cable system operates in a television market that is not in the top 25 markets, and that has more than 1 cable system operator, and the subject cable system is not the largest cable system in such television market;

''(B) the subject cable system and the largest cable system in such television market held on May 1, 1995, cable television franchises from the largest municipality in the television market and the boundaries of such franchises were identical on such date;

''(C) the subject cable system is not owned by or under common ownership or control of any one of the 50 largest cable system operators as existed on May 1, 1995; and

''(D) the largest system in the television market is owned by or under common ownership or control of any one of the 10 largest cable system operators as existed on May 1, 1995.

''(c) WAIVER.—

''(1) CRITERIA FOR WAIVER.—The Commission may waive the restrictions in subsection (a) of this section only upon a showing by the applicant that—

''(A) because of the nature of the market served by the cable system concerned—

''(i) the incumbent cable operator would be subjected to undue economic distress by the enforcement of such subsection; or

''(ii) the cable system would not be economically viable if such subsection were enforced; and

''(B) the local franchising authority approves of such waiver.

''(2) DEADLINE FOR ACTION.—The Commission shall act to approve or disapprove a waiver application within 180 days after the date it is filed.

"SEC. 656. APPLICABILITY OF PARTS I THROUGH IV.

''(a) IN GENERAL.—Any provision that applies to a cable operator under—

''(1) sections 613 (other than subsection (a)(2) thereof), 616, 617, 628, 631, 632, and 634 of this title, shall apply,

''(2) sections 611, 612, 614, and 615 of this title, and section 325 of title III, shall apply in accordance with the regulations prescribed under subsection (b), and

''(3) parts III and IV (other than sections 628, 631, 632, and 634) of this title shall not apply,

to any video programming affiliate established by a common carrier in accordance with the requirements of this part.

''(b) IMPLEMENTATION.—

''(1) COMMISSION ACTION.—The Commission shall prescribe regulations to ensure that a common carrier in the operation of its video platform shall provide (A) capacity, services, facilities, and equipment for public, educational, and governmental use, (B) capacity for commercial use, (C) carriage of commercial and non-commercial broadcast television stations, and (D) an opportunity for commercial broadcast stations to choose between mandatory carriage and reimbursement for retransmission of the signal of such station. In prescribing such regulations, the Commission shall, to the extent possible, impose obligations that are no greater or lesser than the obligations contained in the provisions described in subsection (a)(2) of this section.

''(2) FEES.—A video programming affiliate of any common carrier that establishes a video platform under this part, and any multichannel video programming distributor offering a competing service using such video platform (as determined in accordance with regulations of the Commission), shall be subject to the payment of fees imposed by a local franchising authority, in lieu of the fees required under section 622. The rate at which such fees are imposed shall not exceed the rate at which franchise fees are imposed on any cable operator transmitting video programming in the same service area.

"SEC. 657. RURAL AREA EXEMPTION.

''The provisions of sections 652, 653, and 655 shall not apply to video programming provided in a rural area by a common carrier that provides telephone exchange service in the same area.''.

SEC. 202. COMPETITION FROM CABLE SYSTEMS.

(a) DEFINITION OF CABLE SERVICE.—Section 602(6)(B) of the Act (47 U.S.C. 522(6)(B)) is amended by inserting ''or use'' after ''the selection''.

(b) CLUSTERING.—Section 613 of the Act (47 U.S.C. 533) is amended by adding at the end the following new subsection:

''(i) ACQUISITION OF CABLE SYSTEMS.—Except as provided in section 655, the Commission may not require divestiture of, or restrict or prevent the acquisition of, an ownership interest in a cable system by any person based in whole or in part on the geographic location of such cable system.''.

(c) EQUIPMENT.—Section 623(a) of the Act (47 U.S.C. 543(a)) is amended—

(1) in paragraph (6)—

(A) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)''; and

(C) by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) EQUIPMENT.—If the Commission finds that a cable system is subject to effective competition under subparagraph (D) of subsection (l)(1), the rates for equipment, installations, and connections for additional television receivers (other than equipment, installations, and connections furnished by such system to subscribers who receive only a rate regulated basic service tier) shall not be subject to regulation by the Commission or by a State or franchising authority. If the Commission finds that a cable system is subject to effective competition under subparagraph (A), (B), or (C) of subsection (l)(1), the rates for any equipment, installations, and connections furnished by such system to any subscriber shall not be subject to regulation by the Commission, or by a State or franchising authority. No Federal agency, State, or franchising authority may establish the price or rate for the installation, sale, or lease of any equipment furnished to any subscriber by a cable system solely in connection with video programming offered on a per channel or per program basis.''.

(d) LIMITATION ON BASIC TIER RATE INCREASES; SCOPE OF REVIEW.—Section 623(a) of the Act (47 U.S.C. 543(a)) is further amended by adding at the end the following new paragraph:

''(8) LIMITATION ON BASIC TIER RATE INCREASES; SCOPE OF REVIEW.—A cable operator may not increase its basic service tier rate more than once every 6 months. Such increase may be implemented, using any reasonable billing or proration method, 30 days after providing notice to subscribers and the appropriate regulatory authority. The rate resulting from such increase shall be deemed reasonable and shall not be subject to reduction or refund if the franchising authority or the Commission, as appropriate, does not complete its review and issue a final order within 90 days after implementation of such increase. The review by the franchising authority or the Commission of any future increase in such rate shall be limited to the incremental change in such rate effected by such increase.''.

(e) NATIONAL INFORMATION INFRASTRUCTURE DEVELOPMENT.—Section 623(a) of the Act (47 U.S.C. 543) is further amended by adding at the end the following new paragraph:

''(9) NATIONAL INFORMATION INFRASTRUCTURE.—

''(A) PURPOSE.—It is the purpose of this paragraph to—

''(i) promote the development of the National Information Infrastructure;

''(ii) enhance the competitiveness of the National Information Infrastructure by ensuring that cable operators have incentives comparable to other industries to develop such infrastructure; and

''(iii) encourage the rapid deployment of digital technology necessary to the development of the National Information Infrastructure.

''(B) AGGREGATION OF EQUIPMENT COSTS.—The Commission shall allow cable operators, pursuant to any rules promulgated under subsection (b)(3), to aggregate, on a franchise, system, regional, or company level, their equipment costs into broad categories, such as converter boxes, regardless of the varying levels of functionality of the equipment within each such broad category. Such aggregation shall not be permitted with respect to equipment used by subscribers who receive only a rate regulated basic service tier.

''(C) REVISION TO COMMISSION RULES; FORMS.—Within 120 days of the date of enactment of this paragraph, the Commission shall issue revisions to the appropriate rules and forms necessary to implement subparagraph (B).''.

(f) COMPLAINT THRESHOLD; SCOPE OF COMMISSION REVIEW.—Section 623(c) of the Act (47 U.S.C. 543(c)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) REVIEW OF COMPLAINTS.—

''(A) COMPLAINT THRESHOLD.—The Commission shall have the authority to review any increase in the rates for cable programming services implemented after the date of enactment of the Communications Act of 1995 only if, within 90 days after such increase becomes effective, at least 10 subscribers to such services or 5 percent of the subscribers to such services, whichever is greater, file separate, individual complaints against such increase with the Commission in accordance with the requirements established under paragraph (1)(B).

''(B) TIME PERIOD FOR COMMISSION REVIEW.—The Commission shall complete its review of any such increase and issue a final order within 90

days after it receives the number of complaints required by subparagraph (A).

''(4) TREATMENT OF PENDING CABLE PROGRAMMING SERVICES COMPLAINTS.—Upon enactment of the Communications Act of 1995, the Commission shall suspend the processing of all pending cable programming services rate complaints. These pending complaints shall be counted by the Commission toward the complaint threshold specified in paragraph (3)(A). Parties shall have an additional 90 days from the date of enactment of such Act to file complaints about prior increases in cable programming services rates if such rate increases were already subject to a valid, pending complaint on such date of enactment. At the expiration of such 90-day period, the Commission shall dismiss all pending cable programming services rate cases for which the complaint threshold has not been met, and may resume its review of those pending cable programming services rate cases for which the complaint threshold has been met, which review shall be completed within 180 days after the date of enactment of the Communications Act of 1995.

''(5) SCOPE OF COMMISSION REVIEW.—A cable programming services rate shall be deemed not unreasonable and shall not be subject to reduction or refund if—

''(A) such rate was not the subject of a pending complaint at the time of enactment of the Communications Act of 1995;

''(B) such rate was the subject of a complaint that was dismissed pursuant to paragraph (4);

''(C) such rate resulted from an increase for which the complaint threshold specified in paragraph (3)(A) has not been met;

''(D) the Commission does not complete its review and issue a final order in the time period specified in paragraph (3)(B) or (4); or

''(E) the Commission issues an order finding such rate to be not unreasonable.

The review by the Commission of any future increase in such rate shall be limited to the incremental change in such rate effected by such increase.'';

(2) in paragraph (1)(B) by striking ''obtain Commission consideration and resolution of whether the rate in question is unreasonable'' and inserting ''be counted toward the complaint threshold specified in paragraph (3)(A)''; and

(3) in paragraph (1)(C) by striking ''such complaint'' and inserting in lieu thereof ''the first complaint''.

(g) UNIFORM RATE STRUCTURE.—Section 623(d) of the Act (47 U.S.C. 543(d)) is amended to read as follows:

''(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services that are regulated by the Commission or the franchising authority. Bulk discounts to multiple dwelling units shall not be subject to this requirement.''.

(h) EFFECTIVE COMPETITION.—Section 623(l)(1) of the Act (47 U.S.C. 543(l)(1)) is amended—

(1) in subparagraph (B)(ii)—

(A) by inserting ''all'' before ''multichannel video programming distributors''; and

(B) by striking ''or'' at the end thereof;

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following:

''(D) with respect to cable programming services and subscriber equipment, installations, and connections for additional television receivers (other than equipment, installations, and connections furnished to subscribers who receive only a rate regulated basic service tier)—

''(i) a common carrier has been authorized by the Commission to construct facilities to provide video dialtone service in the cable operator's franchise area;

''(ii) a common carrier has been authorized by the Commission or pursuant to a franchise to provide video programming directly to subscribers in the franchise area; or

''(iii) the Commission has completed all actions necessary (including any reconsideration) to prescribe regulations pursuant to section 653(b)(1) relating to video platforms.''.

(i) RELIEF FOR SMALL CABLE OPERATORS.—Section 623 of the Act (47 U.S.C. 543) is amended by adding at the end the following new subsection:

''(m) SMALL CABLE OPERATORS.—

''(1) SMALL CABLE OPERATOR RELIEF.—A small cable operator shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

''(2) DEFINITION OF SMALL CABLE OPERATOR.—For purposes of this subsection, 'small cable operator' means a cable operator that—

''(A) directly or through an affiliate, serves in the aggregate fewer than 1 percent of all cable subscribers in the United States; and

''(B) is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.''.

(j) TECHNICAL STANDARDS.—Section 624(e) of the Act (47 U.S.C. 544(e)) is amended by striking the last two sentences and inserting the following: ''No State or franchising authority may prohibit, condition, or restrict a cable system's use of any type of subscriber equipment or any transmission technology.''.

(k) CABLE SECURITY SYSTEMS.—Section 624A(b)(2) of the Act (47 U.S.C. 544a(b)(2)) is amended to read as follows:

''(2) CABLE SECURITY SYSTEMS.—No Federal agency, State, or franchising authority may prohibit a cable operator's use of any security system (including scrambling, encryption, traps, and interdiction), except that the Commission may prohibit the use of any such system solely with respect to the delivery of a basic service tier that, as of January 1, 1995, contained only the signals and programming specified in section 623(b)(7)(A), unless the use of such system is necessary to prevent the unauthorized reception of such tier.''.

(l) CABLE EQUIPMENT COMPATIBILITY.—Section 624A of the Act (47 U.S.C. 544A), is amended—

(1) in subsection (a) by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and''; and by adding at the end the following new paragraph:

''(4) compatibility among televisions, video cassette recorders, and cable systems can be assured with narrow technical standards that mandate a minimum degree of common design and operation, leaving all features, functions, protocols, and other product and service options for selection through open competition in the market.'';

(2) in subsection (c)(1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before such redesignated subparagraph (B) the following new subparagraph:

''(A) the need to maximize open competition in the market for all features, functions, protocols, and other product and service options of converter boxes and other cable converters unrelated to the descrambling or decryption of cable television signals;''; and

(3) in subsection (c)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) to ensure that any standards or regulations developed under the authority of this section to ensure compatibility between televisions, video casette recorders, and cable systems do not affect features, functions, protocols, and other product and service options other than those specified in paragraph (1)(B), including telecommunications interface equipment, home automation communications, and computer network services;''.

(m) RETIERING OF BASIC TIER SERVICES.—Section 625(d) of the Act (47 U.S.C. 543(d)) is amended by adding at the end the following new sentence: ''Any signals or services carried on the basic service tier but not required under section 623(b)(7)(A) may be moved from the basic service tier at the operator's sole discretion, provided that the removal of such a signal or service from the basic service tier is permitted by contract. The movement of such signals or services to an unregulated package of services shall not subject such package to regulation.''.

(n) SUBSCRIBER NOTICE.—Section 632 of the Act (47 U.S.C. 552) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) SUBSCRIBER NOTICE.—A cable operator may provide notice of service and rate changes to subscribers using any reasonable written means at its sole discretion. Notwithstanding section 623(b)(6) or any other provision of this Act, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.''.

(o) TREATMENT OF PRIOR YEAR LOSSES.—

(1) AMENDMENT.—Section 623 (48 U.S.C. 543) is amended by adding at the end thereof the following:

''(n) TREATMENT OF PRIOR YEAR LOSSES.—Notwithstanding any other provision of this section or of section 612, losses (including losses associated with the acquisitions of such franchise) that were incurred prior to September 4, 1992, with respect to a cable system that is owned and operated by the original franchisee of such system shall not be disallowed, in whole or in part, in the determination of whether the rates for any tier of service or any type of equipment that is subject to regulation under this section are lawful.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall be applicable to any rate proposal filed on or after September 4, 1993.

SEC. 203. COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES.

Title VII of the Act is amended by adding at the end the following new section:

''SEC. 713. COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES.

''(a) DEFINITIONS.—As used in this section:

''(1) The term 'telecommunications subscription service' means the provision directly to subscribers of video, voice, or data services for which a subscriber charge is made.

''(2) The term 'telecommunications system' or a 'telecommunications system operator' means a provider of telecommunications subscription service.

''(b) COMPETITIVE CONSUMER AVAILABILITY OF CUSTOMER PREMISES EQUIPMENT.—The Commission shall adopt regulations to assure competitive availability, to consumers of telecommunications subscription services, of converter boxes, interactive communications devices, and other customer premises equipment from manufacturers, retailers, and other vendors not affiliated with any telecommunications system operator. Such regulations shall take into account the needs of owners and distributors of video programming and information services to ensure system and signal security and prevent theft of service. Such regulations shall not prohibit any telecommunications system operator from also offering devices and customer premises equipment to consumers, provided that the system operator's charges to consumers for such devices

and equipment are separately stated and not bundled with or subsidized by charges for any telecommunications subscription service.

''(c) WAIVER FOR NEW NETWORK SERVICES.—The Commission may waive a regulation adopted pursuant to subsection (b) for a limited time upon an appropriate showing by a telecommunications system operator that such waiver is necessary to the introduction of a new telecommunications subscription service.

''(d) SUNSET.—The regulations adopted pursuant to this section shall cease to apply to any market for the acquisition of converter boxes, interactive communications devices, or other customer premises equipment when the Commission determines that such market is competitive.''.

SEC. 204. VIDEO PROGRAMMING ACCESSIBILITY.

(a) COMMISSION INQUIRY.—Within 180 days after the date of enactment of this section, the Federal Communications Commission shall complete an inquiry to ascertain the level at which video programming is closed captioned. Such inquiry shall examine the extent to which existing or previously published programming is closed captioned, the size of the video programming provider or programming owner providing closed captioning, the size of the market served, the relative audience shares achieved, or any other related factors. The Commission shall submit to the Congress a report on the results of such inquiry.

(b) ACCOUNTABILITY CRITERIA.—Within 18 months after the date of enactment, the Commission shall prescribe such regulations as are necessary to implement this section. Such regulations shall ensure that—

(1) video programming first published or exhibited after the effective date of such regulations is fully accessible through the provision of closed captions, except as provided in subsection (d); and

(2) video programming providers or owners maximize the accessibility of video programming first published or exhibited prior to the effective date of such regulations through the provision of closed captions, except as provided in subsection (d).

(c) DEADLINES FOR CAPTIONING.—Such regulations shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming.

(d) EXEMPTIONS.—Notwithstanding subsection (b)—

(1) the Commission may exempt by regulation programs, classes of programs, or services for which the Commission has determined that the provision of closed captioning would be economically burdensome to the provider or owner of such programming;

(2) a provider of video programming or the owner of any program carried by the provider shall not be obligated to supply closed captions if such action would be inconsistent with contracts in effect on the date of enactment of this Act, except that nothing in this section shall be construed to relieve a video programming provider of its obligations to provide services required by Federal law; and

(3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would result in an undue burden.

(e) UNDUE BURDEN.—The term ''undue burden'' means significant difficulty or expense. In determining whether the closed captions necessary to comply with the requirements of this paragraph would result in an undue economic burden, the factors to be considered include—

(1) the nature and cost of the closed captions for the programming;

(2) the impact on the operation of the provider or program owner;

(3) the financial resources of the provider or program owner; and

(4) the type of operations of the provider or program owner.

(f) VIDEO DESCRIPTIONS INQUIRY.—Within 6 months after the date of enactment of this Act, the Commission shall commence an inquiry to examine the use of video descriptions on video programming in order to ensure the accessibility of video programming to persons with visual impairments, and report to Congress on its findings. The Commission's report shall assess appropriate methods and schedules for phasing video descriptions into the marketplace, technical and quality standards for video descriptions, a definition of programming for which video descriptions would apply, and other technical and legal issues that the Commission deems appropriate. Following the completion of such inquiry, the Commission may adopt regulation it deems necessary to promote the accessibility of video programming to persons with visual impairments.

(g) VIDEO DESCRIPTION.—For purposes of this section, ''video description'' means the insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.

(h) PRIVATE RIGHTS OF ACTIONS PROHIBITED.—Nothing in this section shall be construed to authorize any private right of action to enforce any requirement of this section or any regulation thereunder. The Commission shall have exclusive jurisdiction with respect to any complaint under this section.

SEC. 205. TECHNICAL AMENDMENTS.

(a) RETRANSMISSION.—Section 325(b)(2)(D) of the Act (47 U.S.C. 325(b)(2)(D)) is amended to read as follows:

''(D) retransmission by a cable operator or other multichannel video programming distributor of the signal of a superstation if (i) the customers served by the cable operator or other multichannel video programming distributor reside outside the originating station's television market, as defined by the Commission for purposes of section 614(h)(1)(C); (ii) such signal was obtained from a satellite carrier or terrestrial microwave common carrier; and (iii) and the origination station was a superstation on May 1, 1991.''.

(b) MARKET DETERMINATIONS.—Section 614(h)(1)(C)(i) of the Act (47 U.S.C. 534(h)(1)(C)(i)) is amended by striking out ''in the manner provided in section 73.3555(d)(3)(i) of title 47, Code of Federal Regulations, as in effect on May 1, 1991,'' and inserting ''by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns,''.

(c) TIME FOR DECISION.—Section 614(h)(1)(C)(iv) of such Act is amended to read as follows:

''(iv) Within 120 days after the date a request is filed under this subparagraph, the Commission shall grant or deny the request.''.

(d) PROCESSING OF PENDING COMPLAINTS.—The Commission shall, unless otherwise informed by the person making the request, assume that any person making a request to include or exclude additional communities under section 614(h)(1)(C) of such Act (as in effect prior to the date of enactment of this Act) continues to request such inclusion or exclusion under such section as amended under subsection (b).

TITLE III—BROADCAST COMMUNICATIONS COMPETITIVENESS

SEC. 301. BROADCASTER SPECTRUM FLEXIBILITY.

Title III of the Act is amended by inserting after section 335 (47 U.S.C. 335) the following new section:

''SEC. 336. BROADCAST SPECTRUM FLEXIBILITY.

''(a) COMMISSION ACTION.—If the Commission determines to issue additional licenses for advanced television services, the Commission shall—

''(1) limit the initial eligibility for such licenses to persons that, as of the date of such issuance, are licensed to operate a television broadcast station or hold a permit to construct such a station (or both); and

''(2) adopt regulations that allow such licensees or permittees to offer such ancillary or supplementary services on designated frequencies as may be consistent with the public interest, convenience, and necessity.

''(b) CONTENTS OF REGULATIONS.—In prescribing the regulations required by subsection (a), the Commission shall—

''(1) only permit such licensee or permittee to offer ancillary or supplementary services if the use of a designated frequency for such services is consistent with the technology or method designated by the Commission for the provision of advanced television services;

''(2) limit the broadcasting of ancillary or supplementary services on designated frequencies so as to avoid derogation of any advanced television services, including high definition television broadcasts, that the Commission may require using such frequencies;

''(3) apply to any other ancillary or supplementary service such of the Commission's regulations as are applicable to the offering of analogous services by any other person, except that no ancillary or supplementary service shall have any rights to carriage under section 614 or 615 or be deemed a multichannel video programming distributor for purposes of section 628;

''(4) adopt such technical and other requirements as may be necessary or appropriate to assure the quality of the signal used to provide advanced television services, and may adopt regulations that stipulate the minimum number of hours per day that such signal must be transmitted; and

''(5) prescribe such other regulations as may be necessary for the protection of the public interest, convenience, and necessity.

''(c) RECOVERY OF LICENSE.—

''(1) CONDITIONS REQUIRED.—If the Commission grants a license for advanced television services to a person that, as of the date of such issuance, is licensed to operate a television broadcast station or holds a permit to construct such a station (or both), the Commission shall, as a condition of such license, require that, upon a determination by the Commission pursuant to the regulations prescribed under paragraph (2), either the additional license or the original license held by the licensee be surrendered to the Commission in accordance with such regulations for reallocation or reassignment (or both) pursuant to Commission regulation.

''(2) CRITERIA.—The Commission shall prescribe criteria for rendering determinations concerning license surrender pursuant to license conditions required by paragraph (1). Such criteria shall—

''(A) require such determinations to be based, on a market-by-market basis, on whether the substantial majority of the public have obtained television receivers that are capable of receiving advanced television services; and

''(B) not require the cessation of the broadcasting under either the original or additional license if such cessation would render the television receivers of a substantial portion of the public useless, or otherwise cause undue burdens on the owners of such television receivers.

''(3) AUCTION OF RETURNED SPECTRUM.—Any license surrendered under the requirements of this subsection shall be subject to assignment by use of competitive bidding pursuant to section 309(j), notwithstanding any limitations contained in paragraph (2) of such section.

''(d) FEES.—

''(1) SERVICES TO WHICH FEES APPLY.—If the regulations prescribed pursuant to subsection (a) permit a licensee to offer ancillary or supplementary services on a designated frequency—

''(A) for which the payment of a subscription fee is required in order to receive such services, or

''(B) for which the licensee directly or indirectly receives compensation from a third party

in return for transmitting material furnished by such third party (other than commercial advertisements used to support broadcasting for which a subscription fee is not required),

the Commission shall establish a program to assess and collect from the licensee for such designated frequency an annual fee or other schedule or method of payment that promotes the objectives described in subparagraphs (A) and (B) of paragraph (2).

''(2) COLLECTION OF FEES.—The program required by paragraph (1) shall—

''(A) be designed (i) to recover for the public a portion of the value of the public spectrum resource made available for such commercial use, and (ii) to avoid unjust enrichment through the method employed to permit such uses of that resource;

''(B) recover for the public an amount that, to the extent feasible, equals but does not exceed (over the term of the license) the amount that would have been recovered had such services been licensed pursuant to the provisions of section 309(j) of this Act and the Commission's regulations thereunder; and

''(C) be adjusted by the Commission from time to time in order to continue to comply with the requirements of this paragraph.

''(3) TREATMENT OF REVENUES.—

''(A) GENERAL RULE.—Except as provided in subparagraph (B), all proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

''(B) RETENTION OF REVENUES.—Notwithstanding subparagraph (A), the salaries and expenses account of the Commission shall retain as an offsetting collection such sums as may be necessary from such proceeds for the costs of developing and implementing the program required by this section and regulating and supervising advanced television services. Such offsetting collections shall be available for obligation subject to the terms and conditions of the receiving appropriations account, and shall be deposited in such accounts on a quarterly basis.

''(4) REPORT.—Within 5 years after the date of the enactment of this section, the Commission shall report to the Congress on the implementation of the program required by this subsection, and shall annually thereafter advise the Congress on the amounts collected pursuant to such program.

''(e) EVALUATION.—Within 10 years after the date the Commission first issues additional licenses for advanced television services, the Commission shall conduct an evaluation of the advanced television services program. Such evaluation shall include—

''(1) an assessment of the willingness of consumers to purchase the television receivers necessary to receive broadcasts of advanced television services;

''(2) an assessment of alternative uses, including public safety use, of the frequencies used for such broadcasts; and

''(3) the extent to which the Commission has been or will be able to reduce the amount of spectrum assigned to licensees.

''(f) DEFINITIONS.—As used in this section:

''(1) ADVANCED TELEVISION SERVICES.—The term 'advanced television services' means television services provided using digital or other advanced technology as further defined in the opinion, report, and order of the Commission entitled 'Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service', MM Docket 87–268, adopted September 17, 1992, and successor proceedings.

''(2) DESIGNATED FREQUENCIES.—The term 'designated frequency' means each of the frequencies designated by the Commission for licenses for advanced television services.

''(3) HIGH DEFINITION TELEVISION.—The term 'high definition television' refers to systems that offer approximately twice the vertical and horizontal resolution of receivers generally available on the date of enactment of this section, as further defined in the proceedings described in paragraph (1) of this subsection.''.

SEC. 302. BROADCAST OWNERSHIP.

(a) AMENDMENT.—Title III of the Act is amended by inserting after section 336 (as added by section 301) the following new section:

''SEC. 337. BROADCAST OWNERSHIP.

''(a) LIMITATIONS ON COMMISSION RULEMAKING AUTHORITY.—Except as expressly permitted in this section, the Commission shall not prescribe or enforce any regulation—

''(1) prohibiting or limiting, either nationally or within any particular area, a person or entity from holding any form of ownership or other interest in two or more broadcasting stations or in a broadcasting station and any other medium of mass communication; or

''(2) prohibiting a person or entity from owning, operating, or controlling two or more networks of broadcasting stations or from owning, operating, or controlling a network of broadcasting stations and any other medium of mass communications.

''(b) TELEVISION OWNERSHIP LIMITATIONS.—

''(1) NATIONAL AUDIENCE REACH LIMITATIONS.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding—

''(A) 35 percent, for any determination made under this paragraph before one year after the date of enactment of this section; or

''(B) 50 percent, for any determination made under this paragraph on or after one year after such date of enactment.

Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.

''(2) MULTIPLE LICENSES IN A MARKET.—

''(A) IN GENERAL.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, two or more television stations within the same television market.

''(B) EXCEPTION FOR MULTIPLE UHF STATIONS AND FOR UHF-VHF COMBINATIONS.—Notwithstanding subparagraph (A), the Commission shall not prohibit a person or entity from directly or indirectly owning, operating, or controlling, or having a cognizable interest in, two television stations within the same television market if at least one of such stations is a UHF television, unless the Commission determines that permitting such ownership, operation, or control will harm competition or will harm the preservation of a diversity of media voices in the local television market.

''(C) EXCEPTION FOR VHF-VHF COMBINATIONS.—Notwithstanding subparagraph (A), the Commission may permit a person or entity to directly or indirectly own, operate, or control, or have a cognizable interest in, two VHF television stations within the same television market, if the Commission determines that permitting such ownership, operation, or control will not harm competition and will not harm the preservation of a diversity of media voices in the local television market.

''(c) LOCAL CROSS-MEDIA OWNERSHIP LIMITS.—In a proceeding to grant, renew, or authorize the assignment of any station license under this title, the Commission may deny the application if the Commission determines that the combination of such station and more than one other nonbroadcast media of mass communication would result in an undue concentration of media voices in the respective local market. In considering any such combination, the Commission shall not grant the application if all the media of mass communication in such local market would be owned, operated, or controlled by two or fewer persons or entities. This subsection shall not constitute authority for the Commission to prescribe regulations containing local cross-media ownership limitations. The Commission may not, under the authority of this subsection, require any person or entity to divest itself of any portion of any combination of stations and other media of mass communications that such person or entity owns, operates, or controls on the date of enactment of this section unless such person or entity acquires another station or other media of mass communications after such date in such local market.

''(d) TRANSITION PROVISIONS.—Any provision of any regulation prescribed before the date of enactment of this section that is inconsistent with the requirements of this section shall cease to be effective on such date of enactment. The Commission shall complete all actions (including any reconsideration) necessary to amend its regulations to conform to the requirements of this section not later than 6 months after such date of enactment. Nothing in this section shall be construed to prohibit the continuation or renewal of any television local marketing agreement that is in effect on such date of enactment and that is in compliance with Commission regulations on such date.''.

(b) CONFORMING AMENDMENT.—Section 613(a) of the Act (47 U.S.C. 533(a)) is repealed.

SEC. 303. FOREIGN INVESTMENT AND OWNERSHIP.

(a) STATION LICENSES.—Section 310(a) (47 U.S.C. 310(a)) is amended to read as follows:

''(a) GRANT TO OR HOLDING BY FOREIGN GOVERNMENT OR REPRESENTATIVE.—No station license required under title III of this Act shall be granted to or held by any foreign government or any representative thereof. This subsection shall not apply to licenses issued under such terms and conditions as the Commission may prescribe to mobile earth stations engaged in occasional or short-term transmissions via satellite of audio or television program material and auxilliary signals if such transmissions are not intended for direct reception by the general public in the United States.''.

(b) TERMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.—Section 310 (47 U.S.C. 310) is amended by adding at the end thereof the following new subsection:

''(f) TERMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.—

''(1) RESTRICTION NOT TO APPLY.—Subsection (b) shall not apply to any common carrier license granted, or for which application is made, after the date of enactment of this subsection with respect to any alien (or representative thereof), corporation, or foreign government (or representative thereof) if—

''(A) the President determines that the foreign country of which such alien is a citizen, in which such corporation is organized, or in which the foreign government is in control is party to an international agreement which requires the United States to provide national or most-favored-nation treatment in the grant of common carrier licenses; or

''(B) the Commission determines that not applying subsection (b) would serve the public interest.

''(2) COMMISSION CONSIDERATIONS.—In making its determination, under paragraph (1)(B), the Commission may consider, among other public interest factors, whether effective competitive opportunities are available to United States nationals or corporations in the applicant's home market. In evaluating the public interest, the Commission shall exercise great deference to the President with respect to United States national security, law enforcement requirements, foreign policy, the interpretation of international agreements, and trade policy (as well as direct investment as it relates to international trade policy).

Upon receipt of an application that requires a finding under this paragraph, the Commission shall cause notice thereof to be given to the President or any agencies designated by the President to receive such notification.

''(3) FURTHER COMMISSION REVIEW.—Except as otherwise provided in this paragraph, the Commission may determine that any foreign country with respect to which it has made a determination under paragraph (1) has ceased to meet the requirements for that determination. In making this determination, the Commission shall exercise great deference to the President with respect to United States national security, law enforcement requirements, foreign policy, the interpretation of international agreements, and trade policy (as well as direct investment as it relates to international trade policy). If a determination under this paragraph is made then—

''(A) subsection (b) shall apply with respect to such aliens, corporation, and government (or their representatives) on the date that the Commission publishes notice of its determination under this paragraph; and

''(B) any license held, or application filed, which could not be held or granted under subsection (b) shall be reviewed by the Commission under the provisions of paragraphs (1)(B) and (2).

''(4) OBSERVANCE OF INTERNATIONAL OBLIGATIONS.—Paragraph (3) shall not apply to the extent the President determines that it is inconsistent with any international agreement to which the United States is a party.

''(5) NOTIFICATIONS TO CONGRESS.—The President and the Commission shall notify the appropriate committees of the Congress of any determinations made under paragraph (1), (2), or (3).''.

SEC. 304. TERM OF LICENSES.

Section 307(c) of the Act (47 U.S.C. 307(c)) is amended to read as follows:

''(c) TERMS OF LICENSES.—

''(1) INITIAL AND RENEWAL LICENSES.—Each license granted for the operation of a broadcasting station shall be for a term of not to exceed seven years. Upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed seven years from the date of expiration of the preceding license, if the Commission finds that public interest, convenience, and necessity would be served thereby. Consistent with the foregoing provisions of this subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations, but the Commission may not adopt or follow any rule which would preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, public interest, convenience, or necessity would be served by such action.

''(2) MATERIALS IN APPLICATION.—In order to expedite action on applications for renewal of broadcasting station licenses and in order to avoid needless expense to applicants for such renewals, the Commission shall not require any such applicant to file any information which previously has been furnished to the Commission or which is not directly material to the considerations that affect the granting or denial of such application, but the Commission may require any new or additional facts it deems necessary to make its findings.

''(3) CONTINUATION PENDING DECISION.—Pending any hearing and final decision on such an application and the disposition of any petition for rehearing pursuant to section 405, the Commission shall continue such license in effect.''.

SEC. 305. BROADCAST LICENSE RENEWAL PROCEDURES.

(a) AMENDMENT.—Section 309 of the Act (47 U.S.C. 309) is amended by adding at the end thereof the following new subsection:

''(k) BROADCAST STATION RENEWAL PROCEDURES.—

''(1) STANDARDS FOR RENEWAL.—If the licensee of a broadcast station submits an application to the Commission for renewal of such license, the Commission shall grant the application if it finds, with respect to that station, during the preceding term of its license—

''(A) the station has served the public interest, convenience, and necessity;

''(B) there have been no serious violations by the licensee of this Act or the rules and regulations of the Commission; and

''(C) there have been no other violations by the licensee of this Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.

''(2) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If any licensee of a broadcast station fails to meet the requirements of this subsection, the Commission may deny the application for renewal in accordance with paragraph (3), or grant such application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.

''(3) STANDARDS FOR DENIAL.—If the Commission determines, after notice and opportunity for a hearing as provided in subsection (e), that a licensee has failed to meet the requirements specified in paragraph (1) and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall—

''(A) issue an order denying the renewal application filed by such licensee under section 308; and

''(B) only thereafter accept and consider such applications for a construction permit as may be filed under section 308 specifying the channel or broadcasting facilities of the former licensee.

''(4) COMPETITOR CONSIDERATION PROHIBITED.—In making the determinations specified in paragraph (1) or (2), the Commission shall not consider whether the public interest, convenience, and necessity might be served by the grant of a license to a person other than the renewal applicant.''.

(b) CONFORMING AMENDMENT.—Section 309(d) of the Act (47 U.S.C. 309(d)) is amended by inserting after ''with subsection (a)'' each place such term appears the following: ''(or subsection (k) in the case of renewal of any broadcast station license)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any application for renewal filed on or after May 31, 1995.

SEC. 306. EXCLUSIVE FEDERAL JURISDICTION OVER DIRECT BROADCAST SATELLITE SERVICE.

Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end thereof the following new subsection:

''(v) Have exclusive jurisdiction over the regulation of the direct broadcast satellite service.''.

SEC. 307. AUTOMATED SHIP DISTRESS AND SAFETY SYSTEMS.

Notwithstanding any provision of the Act, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators.

SEC. 308. RESTRICTIONS ON OVER-THE-AIR RECEPTION DEVICES.

Within 180 days after the enactment of this Act, the Commission shall, pursuant to section 303, promulgate regulations to prohibit restrictions that inhibit a viewer's ability to receive video programming services through signal receiving devices designed for off-the-air reception of television broadcast signals or direct broadcast satellite services.

SEC. 309. DBS SIGNAL SECURITY.

Section 705(e)(4) of the Act (47 U.S.C. 605(e)) is amended by inserting after ''satellite cable programming'' the following: ''or programming of a licensee in the direct broadcast satellite service''.

TITLE IV—EFFECT ON OTHER LAWS

SEC. 401. RELATIONSHIP TO OTHER LAWS.

(a) MODIFICATION OF FINAL JUDGMENT.—Parts II and III of title II of the Communications Act of 1934 (as added by this Act) shall supersede the Modification of Final Judgment, except that such part shall not affect—

(1) section I of the Modification of Final Judgment, relating to AT&T reorganization,

(2) section II(A) (including appendix B) and II(B) of the Modification of Final Judgment, relating to equal access and nondiscrimination,

(3) section IV(F) and IV(I) of the Modification of Final Judgment, with respect to the requirements included in the definitions of ''exchange access'' and ''information access'',

(4) section VIII(B) of the Modification of Final Judgment, relating to printed advertising directories,

(5) section VIII(E) of the Modification of Final Judgment, relating to notice to customers of AT&T,

(6) section VIII(F) of the Modification of Final Judgment, relating to less than equal exchange access,

(7) section VIII(G) of the Modification of Final Judgment, relating to transfer of AT&T assets, including all exceptions granted thereunder before the date of the enactment of this Act, and

(8) with respect to the parts of the Modification of Final Judgment described in paragraphs (1) through (7)—

(A) section III of the Modification of Final Judgment, relating to applicability and effect,

(B) section IV of the Modification of Final Judgment, relating to definitions,

(C) section V of the Modification of Final Judgment, relating to compliance,

(D) section VI of the Modification of Final Judgment, relating to visitorial provisions,

(E) section VII of the Modification of Final Judgment, relating to retention of jurisdiction, and

(F) section VIII(I) of the Modification of Final Judgment, relating to the court's sua sponte authority.

(b) ANTITRUST LAWS.—Nothing in this Act shall be construed to modify, impair, or supersede the applicability of any of the antitrust laws.

(c) FEDERAL, STATE, AND LOCAL LAW.—(1) Except as provided in paragraph (2), parts II and III of title II of the Communications Act of 1934 shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in such part.

(2) Parts II and III of title II of the Communications Act of 1934 shall supersede State and local law to the extent that such law would impair or prevent the operation of such part.

(d) TERMINATION.—The provisions of the GTE consent decree shall cease to be effective on the date of enactment of this Act. For purposes of this subsection, the term ''GTE consent decree'' means the order entered on December 21, 1984 (as restated on January 11, 1985), in United States v. GTE Corporation, Civil Action No. 83–1298, in the United States District Court for the District of Columbia, and includes any judgment or order with respect to such action entered on or after December 21, 1984.

(e) INAPPLICABILITY OF FINAL JUDGMENT TO WIRELESS SUCCESSORS.—No person shall be subject to the provisions of the Modification of Final Judgment by reason of having acquired wireless exchange assets or operations previously owned by a Bell operating company or an affiliate of a Bell operating company.

(f) ANTITRUST LAWS.—As used in this section, the term ''antitrust laws'' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15

U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

SEC. 402. PREEMPTION OF LOCAL TAXATION WITH RESPECT TO DBS SERVICES.

(a) PREEMPTION.—A provider of direct-to-home satellite service, or its agent or representative for the sale or distribution of direct-to-home satellite services, shall be exempt from the collection or remittance, or both, of any tax or fee, as defined by subsection (b)(4), imposed by any local taxing jurisdiction with respect to the provision of direct-to-home satellite services. Nothing in this section shall be construed to exempt from collection or remittance any tax or fee on the sale of equipment.

(b) DEFINITIONS.—For the purposes of this section—

(1) DIRECT-TO-HOME SATELLITE SERVICE.—The term ''direct-to-home satellite service'' means the transmission or broadcasting by satellite of programming directly to the subscribers' premises without the use of ground receiving or distribution equipment, except at the subscribers' premises or in the uplink process to the satellite.

(2) DIRECT-TO-HOME SATELLITE SERVICE PROVIDER.—For purposes of this section, a ''provider of direct-to-home satellite service'' means a person who transmits or broadcasts direct-to-home satellite services.

(3) LOCAL TAXING JURISDICTION.—The term ''local taxing jurisdiction'' means any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other local jurisdiction with the authority to impose a tax or fee.

(4) TAX OR FEE.—The terms ''tax'' and ''fee'' mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction.

(c) EFFECTIVE DATE.—This section shall be effective as of June 1, 1994.

TITLE V—DEFINITIONS

SEC. 501. DEFINITIONS.

(a) ADDITIONAL DEFINITIONS.—Section 3 of the Act (47 U.S.C. 153) is amended—

(1) in subsection (r)—

(A) by inserting ''(A)'' after ''means''; and

(B) by inserting before the period at the end the following: '', or (B) service provided through a system of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service within a State but which does not result in the subscriber incurring a telephone toll charge''; and

(2) by adding at the end thereof the following:

''(35) AFFILIATE.—The term 'affiliate', when used in relation to any person or entity, means another person or entity who owns or controls, is owned or controlled by, or is under common ownership or control with, such person or entity.

''(36) BELL OPERATING COMPANY.—The term 'Bell operating company' means—

''(A) Bell Telephone Company of Nevada, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, New York Telephone Company, U S West Communications Company, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, Southwestern Bell Telephone Company, The Bell Telephone Company of Pennsylvania, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, The Diamond State Telephone Company, The Ohio Bell Telephone Company, The Pacific Telephone and Telegraph Company, or Wisconsin Telephone Company;

''(B) any successor or assign of any such company that provides telephone exchange service.

''(37) CABLE SYSTEM.—The term 'cable system' has the meaning given such term in section 602(7) of this Act.

''(38) CUSTOMER PREMISES EQUIPMENT.—The term 'customer premises equipment' means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

''(39) DIALING PARITY.—The term 'dialing parity' means that a person that is not an affiliated enterprise of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier).

''(40) EXCHANGE ACCESS.—The term 'exchange access' means the offering of telephone exchange services or facilities for the purpose of the origination or termination of interLATA services.

''(41) INFORMATION SERVICE.—The term 'information service' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

''(42) INTERLATA SERVICE.—The term 'interLATA service' means telecommunications between a point located in a local access and transport area and a point located outside such area.

''(43) LOCAL ACCESS AND TRANSPORT AREA.—The term 'local access and transport area' or 'LATA' means a contiguous geographic area—

''(A) established by a Bell operating company such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the Modification of Final Judgment before the date of the enactment of this paragraph; or

''(B) established or modified by a Bell operating company after the date of enactment of this paragraph and approved by the Commission.

''(44) LOCAL EXCHANGE CARRIER.—The term 'local exchange carrier' means any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service under section 332(c), except to the extent that the Commission finds that such service as provided by such person in a State is a replacement for a substantial portion of the wireline telephone exchange service within such State.

''(45) MODIFICATION OF FINAL JUDGMENT.—The term 'Modification of Final Judgment' means the order entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82–0192, in the United States District Court for the District of Columbia, and includes any judgment or order with respect to such action entered on or after August 24, 1982.

''(46) NUMBER PORTABILITY.—The term 'number portability' means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when changing from one provider of telecommunications services to another, as long as such user continues to be located within the area served by the same central office of the carrier from which the user is changing.

''(47) RURAL TELEPHONE COMPANY.—The term 'rural telephone company' means a local exchange carrier operating entity to the extent that such entity—

''(A) provides common carrier service to any local exchange carrier study area that does not include either—

''(i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recent available population statistics of the Bureau of the Census; or

''(ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;

''(B) provides telephone exchange service, including telephone exchange access service, to fewer than 50,000 access lines;

''(C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

''(D) has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of this paragraph.

''(48) TELECOMMUNICATIONS.—The term 'telecommunications' means the transmission, between or among points specified by the subscriber, of information of the subscriber's choosing, without change in the form or content of the information as sent and received, by means of an electromagnetic transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

''(49) TELECOMMUNICATIONS EQUIPMENT.—The term 'telecommunications equipment' means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment (including upgrades).

''(50) TELECOMMUNICATIONS SERVICE.—The term 'telecommunications service' means the offering, on a common carrier basis, of telecommunications facilities, or of telecommunications by means of such facilities. Such term does not include an information service.''.

(b) STYLISTIC CONSISTENCY.—Section 3 of the Act (47 U.S.C. 153) is amended—

(1) in subsections (e) and (n), by redesignating clauses (1), (2) and (3), as clauses (A), (B), and (C), respectively;

(2) in subsection (w), by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(3) in subsections (y) and (z), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(4) by redesignating subsections (a) through (ff) as paragraphs (1) through (32);

(5) by indenting such paragraphs 2 em spaces;

(6) by inserting after the designation of each such paragraph—

(A) a heading, in a form consistent with the form of the heading of this subsection, consisting of the term defined by such paragraph, or the first term so defined if such paragraph defines more than one term; and

(B) the words ''The term'';

(7) by changing the first letter of each defined term in such paragraphs from a capital to a lower case letter (except for ''United States'', ''State'', ''State commission'', and ''Great Lakes Agreement''); and

(8) by reordering such paragraphs and the additional paragraphs added by subsection (a) in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered.

(c) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 225(a)(1), by striking ''section 3(h)'' and inserting ''section 3'';

(2) in section 332(d), by striking ''section 3(n)'' each place it appears and inserting ''section 3''; and

(3) in sections 621(d)(3), 636(d), and 637(a)(2), by striking ''section 3(v)'' and inserting ''section 3''.

TITLE VI—SMALL BUSINESS COMPLAINT PROCEDURE

SEC. 601. COMPLAINT PROCEDURE.

(a) PROCEDURE REQUIRED.—The Federal Communications Commission shall establish procedures for the receipt and review of complaints concerning violations of the Communications Act of 1934, and the rules and regulations thereunder, that are likely to result, or have resulted, as a result of the violation, in material financial harm to a provider of telemessaging service, or other small business engaged in providing an information service or other telecommunications service. Such procedures shall be established within 120 days after the date of enactment of this Act.

(b) DEADLINES FOR PROCEDURES; SANCTIONS.—The procedures under this section shall ensure that the Commission will make a final determination with respect to any such complaint within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, order the common carrier and its affiliates to cease engaging in such violation pending such final determination. In addition, the Commission may exercise its authority to impose other penalties or sanctions, to the extent otherwise provided by law.

(c) DEFINITION.—For purposes of this section, a small business shall be any business entity that, along with any affiliate or subsidiary, has fewer than 300 employees.

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 1 of House Report 104–223, which may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment.

No further amendment shall be in order except the amendments printed in part 2 of the report, which may be considered in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Pursuant to the order of the House of the legislative day of Thursday, August 3, 1995, consideration in the Committee of the Whole shall proceed without intervening motion except for the amendments printed in the report and one motion to rise, if offered by the gentleman from Virginia [Mr. BLILEY].

The gentleman from Michigan [Mr. CONYERS] shall have permission to modify the amendment numbered 2–2 printed in the report.

It is now in order to consider the amendment numbered 1–1 printed in part 1 of House Reports 104–223.

AMENDMENT NO. 1–1 OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1–1 offered by Mr. BLILEY:

[1. Resale]

Page 5, beginning on line 19, strike paragraph (3) and insert the following:

''(3) RESALE.—The duty—

''(A) to offer services, elements, features, functions, and capabilities for resale at wholesale rates, and

''(B) not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of such services, elements, features, functions, and capabilities, on a bundled or unbundled basis, except that a carrier may prohibit a reseller that obtains at wholesale rates a service, element, feature, function, or capability that is available at retail only to a category of subscribers from offering such service, element, feature, function, or capability to a different category of subscribers.

For the purposes of this paragraph, wholesale rates shall be determined on the basis of retail rates for the service, element, feature, function, or capability provided, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that are avoided by the local exchange carrier.

[2. Entry Schedule]

Page 10, line 1, strike ''15 months'' and insert ''6 months''.

Page 12, line 13, strike ''245(d)'' and insert ''245(c)''.

Page 19, line 19, strike ''18 months'' and insert ''6 months''.

Page 20, line 5, strike ''(d)(2)'' and insert ''(c)(2)''.

Page 24, beginning on line 1, strike subsection (c) through page 26, line 5, (and redesignate the succeeding subsections accordingly).

Page 27, line 25, strike ''(d)'' and insert ''(c)''.

Page 28, line 25, strike ''(g) and (h)'' and insert ''(f), (g), and (h)''.

Page 29, lines 9 and 12, strike ''subsection (d)'' and insert ''subsection (c)''.

Page 29, line 14, strike ''subsection (f)'' and insert ''subsection (e)''.

Page 30, line 2, strike ''(f)'' and insert ''(e)''.

Page 40, line 20, strike ''270 days'' and insert ''6 months''.

[3. State/Federal Coordination]

Page 10, after line 8, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

''(B) ACCOMMODATION OF STATE ACCESS REGULATIONS.—In prescribing and enforcing regulations to implement the requirements of this section, the Commission shall not preclude the enforcement of any regulation, order, or policy of a State commission that—

''(i) establishes access and interconnection obligations of local exchange carriers;

''(ii) is consistent with the requirements of this section; and

''(iii) does not substantially prevent the Commission from fulfilling the requirements of this section and the purposes of this part.

Page 14, strike lines 1 through 7 and insert the following:

''(h) AVOIDANCE OF REDUNDANT REGULATIONS.—

''(1) COMMISSION REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''(2) STATE REGULATIONS.—Nothing in this section shall be construed to prohibit any State commission from enforcing regulations prescribed prior to the date of enactment of this part, or from prescribing regulations after such date of enactment, in fulfilling the requirements of this section, if (A) such regulations are consistent with the provisions of this section, and (B) the enforcement of such regulations has not been precluded under subsection (b)(4)(B).

Page 42, after line 2, insert the following new sentence:

In establishing criteria and procedures pursuant to this paragraph, the Commission shall take into account and accommodate, to the extent reasonable and consistent with the purposes of this section, the criteria and procedures established for such purposes by State commissions prior to the effective date of the Commission's criteria and procedures under this section.

Page 45, strike lines 12 through 18 and insert the following:

''(g) AVOIDANCE OF REDUNDANT REGULATIONS.—

''(1) COMMISSION REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''(2) STATE REGULATIONS.—Nothing in this section shall be construed to prohibit any State commission from enforcing regulations prescribed prior to the effective date of the Commission's criteria and procedures under this section in fulfilling the requirements of this section, or from prescribing regulations after such date, to the extent such regulations are consistent—

''(A) with the provisions of this section; and

''(B) after such effective date, with such criteria and procedures.

Page 77, line 18, insert ''of the Commission'' after ''any regulation''.

[4. Joint Marketing]

Page 12, beginning on line 15, strike paragraph (2) through page 13, line 2, and insert the following:

''(2) COMPETING PROVIDERS.—Paragraph (1) shall not prohibit joint marketing of services, elements, features, functions, or capabilities acquired from a Bell operating company by an unaffiliated provider that, together with its affiliates, has in the aggregate less than 2 percent of the access lines installed nationwide.

[5. Rural Telephone Exemption]

Page 13, beginning on line 10, strike '', technologically infeasible'' and all that follows through line 11 and insert ''or technologically infeasible.''.

Page 13, beginning on line 12, strike subsections (f) and (g) through line 24 and insert the following:

(f) EXEMPTION FOR CERTAIN RURAL TELEPHONE COMPANIES.—Subsections (a) through (d) of this section shall not apply to a rural telephone company, until such company has received a bona fide request for services, elements, features or capabilities described in subsections (a) through (d). Following a bona fide request to the carrier and notice of the request to the State commission, the State commission shall determine within 120 days whether the request would be unduly economically burdensome, be technologically infeasible, and be consistent with subsections (b)(1) through (b)(5), (c)(1), and (c)(3) of section 247. The exemption provided by this subsection shall not apply if such carrier provides video programming services over its telephone exchange facilities in its telephone service area.

(g) TIME AND MANNER OF COMPLIANCE.—The State shall establish, after determining pursuant to subsection (f) that a bona fide request is not economically burdensome, is technologically feasible, and is consistent with subsections (b)(1) through (b)(5), (c)(1), and (c)(3) of section 247, an implementation schedule for compliance with such approved bona fide request that is consistent in time and manner with Commission rules.

Page 45, line 3, strike ''INTERSTATE'', and on line 4, strike ''interstate''.

[6. Management of Rights-of-Way]

Page 14, line 21, strike ''Nothing in this'' and insert the following:

''(1) IN GENERAL.—Nothing in this

Page 14, line 22, strike ''or local''.

Page 15, after line 6, insert the following new paragraph:

''(2) MANAGEMENT OF RIGHTS-OF-WAY.—Nothing in subsection (a) of this section shall affect the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.''.

[7. Facilities-Based Competitor]

Page 20, beginning on line 8, strike subparagraph (A) through line 18 and insert the following:

''(A) PRESENCE OF A FACILITIES-BASED COMPETITOR.—An agreement that has been approved under section 244 specifying the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities in accordance with section 242 for the network facilities of an unaffiliated competing provider of telephone exchange service (as defined in section 3(44)(A), but excluding exchange access service) to residential and business subscribers. For the purpose of this subparagraph, such telephone exchange service may be offered by such competing provider either exclusively over its own telephone exchange service facilities or predominantly over its own telephone exchange service facilities in combination with the resale of the services of another carrier. For the purpose of this subparagraph, services provided pursuant to subpart K of part 22 of the Commission's regulations (47 C.F.R. 22.901 et seq.) shall not be considered to be telephone exchange services.

Page 21, line 2, strike ''243'' and insert ''244''.

[8. Entry Consultations with the Attorney General]

Page 27, after line 3, insert the following new paragraph:

''(3) CONSULTATION WITH THE ATTORNEY GENERAL.—The Commission shall notify the Attorney General promptly of any verification submitted for approval under this subsection, and shall identify any verification that, if approved, would relieve the Bell operating company and its affiliates of the prohibition concerning manufacturing contained in section 271(a). Before making any determination under this subsection, the Commission shall consult with the Attorney General, and if the Attorney General submits any comments in writing, such comments shall be included in the record of the Commission's decision. In consulting with and submitting comments to the Commission under this paragraph, the Attorney General shall provide to the Commission an evaluation of whether there is a dangerous probability that the Bell operating company or its affiliates would successfully use market power to substantially impede competition in the market such company seeks to enter. In consulting with and submitting comments to the Commission under this paragraph with respect to a verification that, if approved, would relieve the Bell operating company and its affiliates of the prohibition concerning manufacturing contained in section 271(a), the Attorney General shall also provide to the Commission an evaluation of whether there is a dangerous probability that the Bell operating company or its affiliates would successfully use market power to substantially impede competition in manufacturing.

Page 27, lines 4 and 12, redesignate paragraphs (3) and (4) as paragraphs (4) and (5), respectively.

[9. Out-of-Region Services]

Page 31, after line 21, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(h) OUT-OF-REGION SERVICES.—When a Bell operating company and its affiliates have obtained Commission approval under subsection (c) for each State in which such Bell operating company and its affiliates provide telephone exchange service on the date of enactment of this part, such Bell operating company and any affiliate thereof may, notwithstanding subsection (e), provide interLATA services—

''(1) for calls originating in, and billed to a customer in, a State in which neither such company nor any affiliate provided telephone exchange service on such date of enactment; or

''(2) for calls originating outside the United States.

Page 30, beginning on line 20, strike ''between local access and transport areas within a cable system franchise area'' and insert ''and that is located within a State''.

[10. Separate Subsidiary]

At each of the following locations insert ''interLATA'' before ''information'': Page 33, line 8; page 35, lines 9, 16, and 20; and page 36, lines 3 and 10.

Page 33, line 11, after the period insert the following: ''The requirements of this section shall not apply with respect to (1) activities in which a Bell operating company or affiliate may engage pursuant to section 245(f), or (2) incidental services in which a Bell operating company or affiliate may engage pursuant to section 245(g), other than services described in paragraph (4) of such section.''.

Page 37, beginning on line 20, strike subsection (k) and insert the following:

''(k) SUNSET.—The provisions of this section shall cease to apply to any Bell operating company in any State 18 months after the date such Bell operating company is authorized pursuant to section 245(c) to provide interLATA telecommunications services in such State.

[11. Pricing Flexibility: Prohibition on Cross Subsidies]

Page 42, after line 22, insert the following new paragraph:

''(4) RESPONSE TO COMPETITION.—Pricing flexibility implemented pursuant to this subsection shall permit regulated telecommunications providers to respond fairly to competition by repricing services subject to competition, but shall not have the effect of changing prices for noncompetitive services or using noncompetitive services to subsidize competitive services.

[12. Accessibility]

Page 47, beginning on line 17, strike ''whenever an undue burden'' and all that follows through ''paragraph (1),'' on line 19 and insert the following: ''whenever the requirements of paragraph (1) are not readily achievable,''.

Page 47, beginning on line 24, strike ''would result in'' and all that follows through line 25 and insert the following: ''is not readily achievable.''.

Page 48, beginning on line 1, strike paragraphs (3) and (4) through page 49, line 7, and insert the following:

''(3) READILY ACHIEVABLE.—The term 'readily achievable' has the meaning given it by section 301(g) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(g)).

Page 49, line 8, redesignate paragraph (5) as paragraph (4).

[13. Media Voices]

Page 50, line 5, strike ''points of view'' and insert ''media voices''.

[14. Slamming]

Page 50, line 23, insert ''(a) PROHIBITION.—'' before ''No common carrier'', and on page 51, after line 4, insert the following new subsection:

''(b) LIABILITY FOR CHARGES.—Any common carrier that violates the verification procedures described in subsection (a) and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to all charges paid by such subscriber after such violation, in accordance with such procedures as the Commission may prescribe. The remedies provided by this subsection are in addition to any other remedies available by law.

[15. Study Frequency]

Page 51, line 6, strike ''At least once every three years,'' and insert ''Within 3 years after the date of enactment of this part,''.

[16. Territorial Exemption]

Page 51, beginning on line 23, strike section 253 through page 52, line 6, and conform the table of contents accordingly.

Page 51, insert close quotation marks and a period at the end of line 22.

[17. Manufacturing Separate Subsidiary]

Page 54, beginning on line 5, strike subsections (a) and (b) and insert the following:

''(a) LIMITATIONS ON MANUFACTURING.—

''(1) ACCESS AND INTERCONNECTION REQUIRED.—It shall be unlawful for a Bell operating company, directly or through an affiliate, to manufacture telecommunications equipment or customer premises equipment, until the Commission has approved under section 245(c) verifications that such Bell operating company, and each Bell operating company with which it is affiliated, are in compliance with the access and interconnection requirements of part II of this title.

''(2) SEPARATE SUBSIDIARY REQUIRED.—During the first 18 months after the expiration of the limitation contained in paragraph (1), a Bell operating company may engage in manufacturing telecommunications equipment or customer premises equipment only

through a separate subsidiary established and operated in accordance with section 246.

''(b) COLLABORATION; RESEARCH AND ROYALTY AGREEMENTS.—

''(1) COLLABORATION.—Subsection (a) shall not prohibit a Bell operating company from engaging in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment during the design and development of hardware, software, or combinations thereof related to such equipment.

''(2) RESEARCH; ROYALTY AGREEMENTS.—Subsection (a) shall not prohibit a Bell operating company, directly or through an subsidiary, from—

''(A) engaging in any research activities related to manufacturing, and

''(B) entering into royalty agreements with manufacturers of telecommunications equipment.

[18. Manufacturing by Standard-Setting Organizations]

Page 56, beginning on line 1, strike subsection (d) through page 57, line 11, and insert the following:

''(d) MANUFACTURING LIMITATIONS FOR STANDARD-SETTING ORGANIZATIONS.—

''(1) APPLICATION TO BELL COMMUNICATIONS RESEARCH OR MANUFACTURERS.—Bell Communications Research, Inc., or any successor entity or affiliate—

''(A) shall not be considered a Bell operating company or a successor or assign of a Bell operating company at such time as it is no longer an affiliate of any Bell operating company; and

''(B) notwithstanding paragraph (3), shall not engage in manufacturing telecommunications equipment or customer premises equipment as long as it is an affiliate of more than 1 otherwise unaffiliated Bell operating company or successor or assign of any such company.

Nothing in this subsection prohibits Bell Communications Research, Inc., or any successor entity, from engaging in any activity in which it is lawfully engaged on the date of enactment of this subsection. Nothing provided in this subsection shall render Bell Communications Research, Inc., or any successor entity, a common carrier under title II of this Act. Nothing in this section restricts any manufacturer from engaging in any activity in which it is lawfully engaged on the date of enactment of this section.

''(2) PROPRIETARY INFORMATION.—Any entity which establishes standards for telecommunications equipment or customer premises equipment, or generic network requirements for such equipment, or certifies telecommunications equipment, or customer premises equipment, shall be prohibited from releasing or otherwise using any proprietary information, designated as such by its owner, in its possession as a result of such activity, for any purpose other than purposes authorized in writing by the owner of such information, even after such entity ceases to be so engaged.

''(3) MANUFACTURING SAFEGUARDS.—(A) Except as prohibited in paragraph (1), and subject to paragraph (6), any entity which certifies telecommunications equipment or customer premises equipment manufactured by an unaffiliated entity shall only manufacture a particular class of telecommunications equipment or customer premises equipment for which it is undertaking or has undertaken, during the previous 18 months, certification activity for such class of equipment through a separate affiliate.

''(B) Such separate affiliate shall—

''(i) maintain books, records, and accounts separate from those of the entity that certifies such equipment, consistent with generally acceptable accounting principles;

''(ii) not engage in any joint manufacturing activities with such entity; and

''(iii) have segregated facilities and separate employees with such entity.

''(C) Such entity that certifies such equipment shall—

''(i) not discriminate in favor of its manufacturing affiliate in the establishment of standards, generic requirements, or product certification;

''(ii) not disclose to the manufacturing affiliate any proprietary information that has been received at any time from an unaffiliated manufacturer, unless authorized in writing by the owner of the information; and

''(iii) not permit any employee engaged in product certification for telecommunications equipment or customer premises equipment to engage jointly in sales or marketing of any such equipment with the affiliated manufacturer.

''(4) STANDARD-SETTING ENTITIES.—Any entity which is not an accredited standards development organization and which establishes industry-wide standards for telecommunications equipment or customer premises equipment, or industry-wide generic network requirements for such equipment, or which certifies telecommunications equipment or customer premises equipment manufactured by an unaffiliated entity, shall—

''(A) establish and publish any industry-wide standard for, industry-wide generic requirement for, or any substantial modification of an existing industry-wide standard or industry-wide generic requirement for, telecommunications equipment or customer premises equipment only in compliance with the following procedure:

''(i) such entity shall issue a public notice of its consideration of a proposed industry-wide standard or industry-wide generic requirement;

''(ii) such entity shall issue a public invitation to interested industry parties to fund and participate in such efforts on a reasonable and nondiscriminatory basis, administered in such a manner as not to unreasonably exclude any interested industry party;

''(iii) such entity shall publish a text for comment by such parties as have agreed to participate in the process pursuant to clause (ii), provide such parties a full opportunity to submit comments, and respond to comments from such parties;

''(iv) such entity shall publish a final text of the industry-wide standard or industry-wide generic requirement, including the comments in their entirety, of any funding party which requests to have its comments so published;

''(v) such entity shall attempt, prior to publishing a text for comment, to agree with the funding parties as a group on a mutually satisfactory dispute resolution process which such parties shall utilize as their sole recourse in the event of a dispute on technical issues as to which there is disagreement between any funding party and the entity conducting such activities, except that if no dispute resolution process is agreed to by all the parties, a funding party may utilize the dispute resolution procedures established pursuant to paragraph (5) of this subsection;

''(B) engage in product certification for telecommunications equipment or customer premises equipment manufactured by unaffiliated entities only if—

''(i) such activity is performed pursuant to published criteria;

''(ii) such activity is performed pursuant to auditable criteria; and

''(iii) such activity is performed pursuant to available industry-accepted testing methods and standards, where applicable, unless otherwise agreed upon by the parties funding and performing such activity;

''(C) not undertake any actions to monopolize or attempt to monopolize the market for such services; and

''(D) not preferentially treat its own telecommunications equipment or customer premises equipment, or that of its affiliate, over that of any other entity in establishing and publishing industry-wide standards or industry-wide generic requirements for, and in certification of, telecommunications equipment and customer premises equipment.

''(5) ALTERNATE DISPUTE RESOLUTION.—Within 90 days after the date of enactment of this section, the Commission shall prescribe a dispute resolution process to be utilized in the event that a dispute resolution process is not agreed upon by all the parties when establishing and publishing any industry-wide standard or industry-wide generic requirement for telecommunications equipment or customer premises equipment, pursuant to paragraph (4)(A)(v). The Commission shall not establish itself as a party to the dispute resolution process. Such dispute resolution process shall permit any funding party to resolve a dispute with the entity conducting the activity that significantly affects such funding party's interests, in an open, nondiscriminatory, and unbiased fashion, within 30 days after the filing of such dispute. Such disputes may be filed within 15 days after the date the funding party receives a response to its comments from the entity conducting the activity. The Commission shall establish penalties to be assessed for delays caused by referral of frivolous disputes to the dispute resolution process. The overall intent of establishing this dispute resolution provision is to enable all interested funding parties an equal opportunity to influence the final resolution of the dispute without significantly impairing the efficiency, timeliness, and technical quality of the activity.

''(6) SUNSET.—The requirements of paragraphs (3) and (4) shall terminate for the particular relevant activity when the Commission determines that there are alternative sources of industry-wide standards, industry-wide generic requirements, or product certification for a particular class of telecommunications equipment or customer premises equipment available in the United States. Alternative sources shall be deemed to exist when such sources provide commercially viable alternatives that are providing such services to customers. The Commission shall act on any application for such a determination within 90 days after receipt of such application, and shall receive public comment on such application.

''(7) ADMINISTRATION AND ENFORCEMENT AUTHORITY.—For the purposes of administering this subsection and the regulations prescribed thereunder, the Commission shall have the same remedial authority as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

''(8) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'affiliate' shall have the same meaning as in section 3 of this Act, except that, for purposes of paragraph (1)(B)—

''(i) an aggregate voting equity interest in Bell Communications Research, Inc., of at least 5 percent of its total voting equity, owned directly or indirectly by more than 1 otherwise unaffiliated Bell operating company, shall constitute an affiliate relationship; and

''(ii) a voting equity interest in Bell Communications Research, Inc., by any otherwise unaffiliated Bell operating company of less than 1 percent of Bell Communications Research's total voting equity shall not be considered to be an equity interest under this paragraph.

''(B) The term 'generic requirement' means a description of acceptable product attributes for use by local exchange carriers in establishing product specifications for the purchase of telecommunications equipment, customer premises equipment, and software integral thereto.

''(C) The term 'industry-wide' means activities funded by or performed on behalf of local exchange carriers for use in providing wireline local exchange service whose combined total of deployed access lines in the United States constitutes at least 30 percent of all access lines deployed by telecommunications carriers in the United States as of the date of enactment.

''(D) The term 'certification' means any technical process whereby a party determines whether a product, for use by more than one local exchange carrier, conforms with the specified requirements pertaining to such product.

''(E) The term 'accredited standards development organization' means an entity composed of industry members which has been accredited by an institution vested with the responsibility for standards accreditation by the industry.

[19. Electronic Publishing]

Page 64, after line 21, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(d) BELL OPERATING COMPANY REQUIREMENT.—A Bell operating company under common ownership or control with a separated affiliate or electronic publishing joint venture shall provide network access and interconnections for basic telephone service to electronic publishers at just and reasonable rates that are tariffed (so long as rates for such services are subject to regulation) and that are not higher on a per-unit basis than those charged for such services to any other electronic publisher or any separated affiliate engaged in electronic publishing.

Page 69, line 4, strike ''wireline telephone exchange service'' and insert ''any wireline telephone exchange service, or wireline telephone exchange service facility,''.

[20. Alarm Monitoring]

Page 71, beginning on line 17, strike ''1995, except that'' and all that follows through line 21 and insert ''1995.''.

[21. CMRS Joint Marketing]

Page 78, line 17, strike the close quotation marks and following period and after line 17, insert the following new subsection:

''(c) COMMERCIAL MOBILE SERVICE JOINT MARKETING.—Notwithstanding section 22.903 of the Commission's regulations (47 C.F.R. 22.903) or any other Commission regulation, or any judicial decree or proposed judicial decree, a Bell operating company or any other company may, except as provided in sections 242(d) and 246 as they relate to wireline service, jointly market and sell commercial mobile services in conjunction with telephone exchange service, exchange access, intraLATA telecommunications service, interLATA telecommunications service, and information services.''.

[22. Online Family Empowerment]

Page 78, before line 18, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 104. ONLINE FAMILY EMPOWERMENT.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by inserting after section 230 (as added by section 103 of this Act) the following new section:

''SEC. 231. PROTECTION FOR PRIVATE BLOCKING AND SCREENING OF OFFENSIVE MATERIAL; FCC CONTENT AND ECONOMIC REGULATION OF COMPUTER SERVICES PROHIBITED.

''(a) FINDINGS.—The Congress finds the following:

''(1) The rapidly developing array of Internet and other interactive computer services available to individual Americans represent an extraordinary advance in the availability of educational and informational resources to our citizens.

''(2) These services offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology develops.

''(3) The Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.

''(4) The Internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation.

''(5) Increasingly Americans are relying on interactive media for a variety of political, educational, cultural, and entertainment services.

''(b) POLICY.—It is the policy of the United States to—

''(1) promote the continued development of the Internet and other interactive computer services and other interactive media;

''(2) preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by State or Federal regulation;

''(3) encourage the development of technologies which maximize user control over the information received by individuals, families, and schools who use the Internet and other interactive computer services;

''(4) remove disincentives for the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material; and

''(5) ensure vigorous enforcement of criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.

''(c) PROTECTION FOR 'GOOD SAMARITAN' BLOCKING AND SCREENING OF OFFENSIVE MATERIAL.—No provider or user of interactive computer services shall be treated as the publisher or speaker of any information provided by an information content provider. No provider or user of interactive computer services shall be held liable on account of—

''(1) any action voluntarily taken in good faith to restrict access to material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or

''(2) any action taken to make available to information content providers or others the technical means to restrict access to material described in paragraph (1).

''(d) FCC REGULATION OF THE INTERNET AND OTHER INTERACTIVE COMPUTER SERVICES PROHIBITED.—Nothing in this Act shall be construed to grant any jurisdiction or authority to the Commission with respect to content or other regulation of the Internet or other interactive computer services.

''(e) EFFECT ON OTHER LAWS.—

''(1) NO EFFECT ON CRIMINAL LAW.—Nothing in this section shall be construed to impair the enforcement of section 223 of this Act, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

''(2) NO EFFECT ON INTELLECTUAL PROPERTY LAW.—Nothing in this section shall be construed to limit or expand any law pertaining to intellectual property.

''(3) IN GENERAL.—Nothing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section.

''(f) DEFINITIONS.—As used in this section:

''(1) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

''(2) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service that provides computer access to multiple users via modem to a remote computer server, including specifically a service that provides access to the Internet.

''(3) INFORMATION CONTENT PROVIDER.—The term 'information content provider' means any person or entity that is responsible, in whole or in part, for the creation or development of information provided by the Internet or any other interactive computer service, including any person or entity that creates or develops blocking or screening software or other techniques to permit user control over offensive material.''.

[23. Forbearance]

Page 77, line 20, strike ''if the Commission'' and insert ''unless the Commission''.

Page 77, line 23, and page 78, line 4, strike ''is not necessary'' and insert ''is necessary''.

Page 78, line 4, strike ''and'' and insert ''or''.

Page 78, line 6, strike ''is consistent'' and insert ''is inconsistent''.

[24. Pole Attachments]

Page 87, line 1, after ''ensuring that'' insert the following: , when the parties fail to negotiate a mutually agreeable rate,''.

Page 87, line 9, insert ''to'' after ''benefit'', and on line 11, strike ''attachments'' and insert ''attaching entities''.

Page 87, line 16, strike ''and''; on line 17, redesignate subparagraph (C) as subparagraph (D); and after line 16 insert the following new subparagraph:

''(C) recognize that the pole, duct, conduit, or right-of-way has a value that exceeds costs and that value shall be reflected in any rate; and

[25. Required Telecommunications Services]

Page 89, line 21, strike ''A franchising'' and insert ''Except as otherwise permitted by sections 611 and 612, a franchising''.

Page 89, line 23, before ''as a condition'' insert the following: '', other than intragovernmental telecommunications services,''.

[26. Facilities Siting]

Page 90, beginning on line 11, strike paragraph (7) through line 6 on page 93 and insert the following:

''(7) FACILITIES SITING POLICIES.—(A) Within 180 days after enactment of this paragraph, the Commission shall prescribe and make effective a policy to reconcile State and local regulation of the siting of facilities for the provision of commercial mobile services or unlicensed services with the public interest in fostering competition through the rapid, efficient, and nationwide deployment of commercial mobile services or unlicensed services.

''(B) Pursuant to subchapter III of chapter 5, title 5, United States Code, the Commission shall establish a negotiated rulemaking committee to negotiate and develop a proposed policy to comply with the requirements of this paragraph. Such committee shall include representatives from State and local governments, affected industries, and public safety agencies.

''(C) The policy prescribed pursuant to this subparagraph shall take into account—

''(i) the need to enhance the coverage and quality of commercial mobile services and unlicensed services and foster competition in the provision of commercial mobile services and unlicensed services on a timely basis;

''(ii) the legitimate interests of State and local governments in matters of exclusively local concern, and the need to provide State and local government with maximum flexibility to address such local concerns, while ensuring that such interests do not prohibit or have the effect of precluding any commercial mobile service or unlicensed service;

''(iii) the effect of State and local regulation of facilities siting on interstate commerce;

''(iv) the administrative costs to State and local governments of reviewing requests for authorization to locate facilities for the provision of commercial mobile services or unlicensed services; and

''(v) the need to provide due process in making any decision by a State or local government or instrumentality thereof to grant or deny a request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services or unlicensed services.

''(D) The policy prescribed pursuant to this paragraph shall provide that no State or local government or any instrumentality thereof may regulate the placement, construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions.

''(E) The proceeding to prescribe such policy pursuant to this paragraph shall supercede any proceeding pending on the date of enactment of this paragraph relating to preemption of State and local regulation of tower siting for commercial mobile services, unlicensed services, and providers thereof. In accordance with subchapter III of chapter 5, title 5, United States Code, the Commission shall periodically establish a negotiated rulemaking committee to review the policy prescribed by the Commission under this paragraph and to recommend revisions to such policy.

''(F) For purposes of this paragraph, the term 'unlicensed service' means the offering of telecommunications using duly authorized devices which do not require individual licenses.''.

Page 94, line 2, strike ''cost-based''.

[27. Telecommunications Development Fund]

Page 101, after line 23, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

SEC. 111. TELECOMMUNICATIONS DEVELOPMENT FUND.

(a) DEPOSIT AND USE OF AUCTION ESCROW ACCOUNTS.—Section 309(j)(8) of the Act (47 U.S.C. 309(j)(8)) is amended by adding at the end the following new subparagraph:

''(C) DEPOSIT AND USE OF AUCTION ESCROW ACCOUNTS.—Any deposits the Commission may require for the qualification of any person to bid in a system of competitive bidding pursuant to this subsection shall be deposited in an interest bearing account at a financial institution designated for purposes of this subsection by the Commission (after consultation with the Secretary of the Treasury). Within 45 days following the conclusion of the competitive bidding—

''(i) the deposits of successful bidders shall be paid to the Treasury;

''(ii) the deposits of unsuccessful bidders shall be returned to such bidders; and

''(iii) the interest accrued to the account shall be transferred to the Telecommunications Development Fund established pursuant to section 10 of this Act.''.

(b) ESTABLISHMENT AND OPERATION OF FUND.—Title I of the Act is amended by adding at the end the following new section:

''SEC. 10. TELECOMMUNICATIONS DEVELOPMENT FUND.

''(a) PURPOSE OF SECTION.—It is the purpose of this section—

''(1) to promote access to capital for small businesses in order to enhance competition in the telecommunications industry;

''(2) to stimulate new technology development, and promote employment and training; and

''(3) to support universal service and promote delivery of telecommunications services to underserved rural and urban areas.

''(b) ESTABLISHMENT OF FUND.—There is hereby established a body corporate to be known as the Telecommunications Development Fund, which shall have succession until dissolved. The Fund shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue and jurisdiction in civil actions, to be a resident and citizen thereof.

''(c) BOARD OF DIRECTORS.—

''(1) COMPOSITION OF BOARD; CHAIRMAN.—The Fund shall have a Board of Directors which shall consist of 7 persons appointed by the Chairman of the Commission. Four of such directors shall be representative of the private sector and three of such directors shall be representative of the Commission, the Small Business Administration, and the Department of the Treasury, respectively. The Chairman of the Commission shall appoint one of the representatives of the private sector to serve as chairman of the Fund within 30 days after the date of enactment of this section, in order to facilitate rapid creation and implementation of the Fund. The directors shall include members with experience in a number of the following areas: finance, investment banking, government banking, communications law and administrative practice, and public policy.

''(2) TERMS OF APPOINTED AND ELECTED MEMBERS.—The directors shall be eligible to serve for terms of 5 years, except of the initial members, as designated at the time of their appointment—

''(A) 1 shall be eligible to service for a term of 1 year;

''(B) 1 shall be eligible to service for a term of 2 years;

''(C) 1 shall be eligible to service for a term of 3 years;

''(D) 2 shall be eligible to service for a term of 4 years; and

''(E) 2 shall be eligible to service for a term of 5 years (1 of whom shall be the Chairman).

Directors may continue to serve until their successors have been appointed and have qualified.

''(3) MEETINGS AND FUNCTIONS OF THE BOARD.—The Board of Directors shall meet at the call of its Chairman, but at least quarterly. The Board shall determine the general policies which shall govern the operations of the Fund. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the officers of the Fund and shall discharge all such functions, powers, and duties.

''(d) ACCOUNTS OF THE FUND.—The Fund shall maintain its accounts at a financial institution designated for purposes of this section by the Chairman of the Board (after consultation with the Commission and the Secretary of the Treasury). The accounts of the Fund shall consist of—

''(1) interest transferred pursuant to section 309(j)(8)(C) of this Act;

''(2) such sums as may be appropriated to the Commission for advances to the Fund;

''(3) any contributions or donations to the Fund that are accepted by the Fund; and

''(4) any repayment of, or other payment made with respect to, loans, equity, or other extensions of credit made from the Fund.

''(e) USE OF THE FUND.—All moneys deposited into the accounts of the Fund shall be used solely for—

''(1) the making of loans, investments, or other extensions of credits to eligible small businesses in accordance with subsection (f);

''(2) the provision of financial advise to eligible small businesses;

''(3) expenses for the administration and management of the Fund;

''(4) preparation of research, studies, or financial analyses; and

''(5) other services consistent with the purposes of this section.

''(f) LENDING AND CREDIT OPERATIONS.—Loans or other extensions of credit from the Fund shall be made available to eligible small business on the basis of—

''(1) the analysis of the business plan of the eligible small business;

''(2) the reasonable availability of collateral to secure the loan or credit extension;

''(3) the extent to which the loan or credit extension promotes the purposes of this section; and

''(4) other lending policies as defined by the Board.

''(g) RETURN OF ADVANCES.—Any advances appropriated pursuant to subsection (b)(2) shall be upon such terms and conditions (including conditions relating to the time or times of repayment) as the Board determines will best carry out the purposes of this section, in light of the maturity and solvency of the Fund.

''(h) GENERAL CORPORATE POWERS.—The Fund shall have power—

''(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

''(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

''(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

''(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

''(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

''(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Fund;

''(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

''(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them, and fix the penalty thereof; and

''(9) to enter into contracts, to execute instruments, to incur liabilities, to make loans and equity investment, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

''(i) ACCOUNTING, AUDITING, AND REPORTING.—The accounts of the Fund shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants. A report of each such audit shall be furnished to the Secretary of the Treasury and the Commission. The representatives of the Secretary and the Commission shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Fund and necessary to facilitate the audit.

''(j) REPORT ON AUDITS BY TREASURY.—A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than 6 months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Fund, together with such recommendations with respect thereto as the Secretary may deem advisable.

''(k) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means business enterprises engaged in the telecommunications industry that have $50,000,000 or less in annual revenues, on average over the past 3 years prior to submitting the application under this section.

''(2) FUND.—The term 'Fund' means the Telecommunications Development Fund established pursuant to this section.

''(3) TELECOMMUNICATIONS INDUSTRY.—The term 'telecommunications industry' means communications businesses using regulated or unregulated facilities or services and includes the broadcasting, telephony, cable, computer, data transmission, software, programming, advanced messaging, and electronics businesses.''.

[28. Telemedicine Report]

Page 101, after line 23, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 112. REPORT ON THE USE OF ADVANCED TELECOMMUNICATIONS SERVICES FOR MEDICAL PURPOSES.

The Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Health and Human Services and other appropriate departments and agencies, shall submit a report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate concerning the activities of the Joint Working Group on Telemedicine, together with any findings reached in the studies and demonstrations on telemedicine funded by the Public Health Service or other Federal agencies. The report shall examine questions related to patient safety, the efficacy and quality of the services provided, and other legal, medical, and economic issues related to the utilization of advanced telecommunications services for medical purposes. The report shall be submitted to the respective Committees annually, by January 31, beginning in 1996.

Page 101, after line 23, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 113. TELECOMMUTING PUBLIC INFORMATION PROGRAM.

(a) TELECOMMUTING RESEARCH PROGRAMS AND PUBLIC INFORMATION DISSEMINATION.—The Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Transportation, the Secretary of Labor, and the Administrator of the Environmental Protection Agency, shall, within three months of the date of enactment of this Act, carry out research to identify successful telecommuting programs in the public and private sectors and provide for the dissemination to the public of information regarding—

(1) the establishment of successful telecommuting programs; and

(2) the benefits and costs of telecommuting.

(b) REPORT.—Within one year of the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall report to Congress the findings, conclusions, and recommendations regarding telecommuting developed under this section.

[29. Video Platform]

Page 103, line 13, insert ''(other than section 652)'' after ''part V''.

Page 104, strike lines 3 through 5 and insert the following:

''(iii) has not established a video platform in accordance with section 653.''.

Page 109, line 24, strike ''shall'' and insert ''may''.

Page 113, line 1, strike ''15 months'' and insert ''6 months''.

Page 113, line 25, after ''concerning'' insert the following: ''sports exclusivity (47 C.F.R. 76.67),'', and on page 114, line 1, after the close parenthesis insert a comma.

Page 115, beginning on line 20, strike paragraph (2) through page 116, line 4, and on page 116, line 5, redesignate subsection (c) as paragraph (2).

Page 116, beginning on line 9, strike subsection (d) through line 15.

Page 130, line 22, before ''the Commission'' insert ''270 days have elapsed since''.

[30. Cable Complaint Threshold]

Page 127, line 4, strike ''5 percent'' and insert ''3 percent''.

[31. Navigation Devices]

Page 136, beginning on line 24, strike ''Such regulations'' and all that follows through the period on page 137, line 2.

Page 137, line 7, strike ''bundled with or''.

Page 137, after line 8, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(c) PROTECTION OF SYSTEM SECURITY.—The Commission shall not prescribe regulations pursuant to subsection (b) which would jeopardize the security of a telecommunications system or impede the legal rights of a provider of such service to prevent theft of service.

Page 137, line 10, strike ''may'' and insert ''shall''.

Page 137, line 13, strike ''the introduction of a new'' and insert ''assist the development or introduction of a new or improved''.

Page 137, line 14, insert ''or technology'' after ''service''.

Page 137, after line 14, insert the following new subsection (and redesignate the succeeding subsection accordingly):

''(e) AVOIDANCE OF REDUNDANT REGULATIONS.—

''(1) MARKET COMPETITIVENESS DETERMINATIONS.—Determinations made or regulations prescribed by the Commission with respect to market competitiveness of customer premises equipment prior to the date of enactment of this section shall fulfill the requirements of this section.

''(2) REGULATIONS.—Nothing in this section affects the Commission's regulations governing the interconnection and competitive provision of customer premises equipment used in connection with basic telephone service.

[32. Cable/Broadcast/MMDS Cross Ownership]

Page 154, lines 9 and 10, strike subsection (b) and insert the following:

(b) CONFORMING AMENDMENTS.—Section 613(a) of the Act (47 U.S.C. 533(a)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as subsection (a);

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) by striking ''and'' at the end of paragraph (1) (as so redesignated);

(5) by striking the period at the end of paragraph (2) (as so redesignated) and inserting ''; and''; and

(6) by adding at the end the following new paragraph:

''(3) shall not apply the requirements of this paragraph in any area in which there are two or more unaffiliated wireline providers of video programming services.''

[33. Foreign Ownership]

Page 155, line 8, insert ''held,'' after ''granted,''.

Page 155, beginning on line 12, strike subparagraph (A) through line 19 and insert the following:

''(A) the President determines—

''(i) that the foreign country of which such alien is a citizen, in which such corporation is organized, or in which the foreign government is in control is party to an international agreement which requires the United States to provide national or most-favored-nation treatment in the grant of common carrier licenses; and

''(ii) that not applying subsection (b) would be consistent with national security and effective law enforcement; or

Page 155, beginning on line 23, strike paragraphs (2) through (5) through page 157, line 21, and insert the following:

''(2) COMMISSION CONSIDERATIONS.—In making its determination under paragraph (1), the Commission shall abide by any decision of the President whether application of section (b) is in the public interest due to national security, law enforcement, foreign policy or trade (including direct investment as it relates to international trade policy) concerns, or due to the interpretation of international agreements. In the absence of a decision by the President, the Commission may consider, among other public interest factors, whether effective competitive opportunities are available to United States nationals or corporations in the applicant's home market. Upon receipt of an application that requires a determination under this paragraph, the Commission shall cause notice of the application to be given to the President or any agencies designated by the President to receive such notification. The Commission shall not make a determination under paragraph (1)(B) earlier than 30 days after the end of the pleading cycle or later than 180 days after the end of the pleading cycle.

''(3) FURTHER COMMISSION REVIEW.—The Commission may determine that, due to changed circumstances relating to United States national security or law enforcement, a prior determination under paragraph (1) ought to be reversed or altered. In making this determination, the Commission shall accord great deference to any recommendation of the President with respect to United States national security or law enforcement. If a determination under this paragraph is made then—

''(A) subsection (b) shall apply with respect to such aliens, corporation, and government (or their representatives) on the date that the Commission publishes notice of its determination under this paragraph; and

''(B) any license held, or application filed, which could not be held or granted under subsection (b) shall be reviewed by the Commission under the provisions of paragraphs (1)(B) and (2).

''(4) NOTIFICATION TO CONGRESS.—The President and the Commission shall notify the appropriate committees of the Congress of any determinations made under paragraph (1), (2), or (3).

''(5) MISCELLANEOUS.—Any Presidential decisions made under the provisions of this subsection shall not be subject to judicial review.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall not apply to any proceeding commenced before the date of enactment of this Act.

[34. License Renewal]

Page 161, beginning on line 18, strike ''filed on or after May 31, 1995'' and insert ''pending or filed on or after the date of enactment of this Act''.

[35. Ship Distress and Safety Systems]

Page 162, beginning on line 1, strike section 307 through line 8 and insert the following:

SEC. 307. AUTOMATED SHIP DISTRESS AND SAFETY SYSTEMS.

Notwithstanding any provision of the Communications Act of 1934 or any other provision of law or regulation, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators. This section shall take effect for each vessel upon a determination by the United States Coast Guard that such vessel has the equipment required to implement the Global Maritime Distress and Safety System installed and operating in good working condition.

[36. Certification and Testing of Equipment]

Page 162, after line 22, insert the following new section (and conform the table of contents accordingly):

SEC. 310. DELEGATION OF EQUIPMENT TESTING AND CERTIFICATION TO PRIVATE LABORATORIES.

Section 302 of the Act (47 U.S.C. 302) is amended by adding at the end the following:

''(e) USE OF PRIVATE ORGANIZATIONS FOR TESTING AND CERTIFICATION.—The Commission may—

''(1) authorize the use of private organizations for testing and certifying the compliance of devices or home electronic equipment and systems with regulations promulgated under this section;

''(2) accept as prima facie evidence of such compliance the certification by any such organization; and

''(3) establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification.''.

[37. Supersession]

Page 163, beginning on line 4, strike subsection (a) through page 164, line 19, and insert the following:

(a) MODIFICATION OF FINAL JUDGMENT.—This Act and the amendments made by title I of this Act shall supersede only the following sections of the Modification of Final Judgment:

(1) Section II(C) of the Modification of Final Judgment, relating to deadline for procedures for equal access compliance.

(2) Section II(D) of the Modification of Final Judgment, relating to line of business restrictions.

(3) Section VIII(A) of the Modification of Final Judgment, relating to manufacturing restrictions.

(4) Section VIII(C) of the Modification of Final Judgment, relating to standard for entry into the interexchange market.

(5) Section VIII(D) of the Modification of Final Judgment, relating to prohibition on entry into electronic publishing.

(6) Section VIII(H) of the Modification of Final Judgment, relating to debt ratios at the time of transfer.

(7) Section VIII(J) of the Modification of Final Judgment, relating to prohibition on implementation of the plan of reorganization before court approval.

Page 164, line 20, insert ''or in the amendments made by this Act'' after ''this Act''.

Page 164, beginning on line 23, strike ''Except as provided in paragraph (2), parts'' and insert ''Parts''.

Page 165, beginning on line 3, strike paragraph (2) through line 6 and insert the following:

''(2) STATE TAX SAVINGS PROVISION.—Notwithstanding paragraph (1), nothing in this Act or the amendments made by this Act shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or supersession of, any State or local law pertaining to taxation, except as provided in sections 243(e) and 622 of the Communications Act of 1934 and section 402 of this Act.''.

Page 166, after line 5, insert the following new subsection:

(g) ADDITIONAL DEFINITIONS.—As used in this section, the terms ''Modification of Final Judgment'' and ''Bell operating company'' have the same meanings provided such terms in section 3 of the Communications Act of 1934.

[38. 1984 Consent Decree]

Page 165, beginning on line 7, strike subsection (d) through line 15 and insert the following:

(d) APPLICATION TO OTHER ACTION.—This Act shall supersede the final judgment entered December 21, 1984 and as restated January 11, 1985, in the action styled United States v. GTE Corp., Civil Action No. 83–1298, in the United States District Court for the District of Columbia, and any judgment or order with respect to such action entered on or after December 21, 1984, and such final judgment shall not be enforced with respect to conduct occurring after the date of the enactment of this Act.

[39. Wireless Successors]

Page 165, beginning on line 17, strike ''subject to the provisions'' and insert ''considered to be an affiliate, a successor, or an assign of a Bell operating company under section III''.

[40. DBS Taxation]

Beginning on page 166, strike line 6 and all that follows through line 20 of page 167, and insert the following:

SEC. 402. PREEMPTION OF LOCAL TAXATION WITH RESPECT TO DBS SERVICE.

(a) PREEMPTION.—A provider of direct-to-home satellite service shall be exempt from the collection or remittance, or both, of any tax or fee imposed by any local taxing jurisdiction with respect to the provision of direct-to-home satellite service. Nothing in this section shall be construed to exempt from collection or remittance any tax or fee on the sale of equipment.

(b) DEFINITIONS.—For the purposes of this section—

(1) DIRECT-TO-HOME SATELLITE SERVICE.—The term ''direct-to-home satellite service'' means the transmission or broadcasting by satellite of programming directly to the subscribers' premises without the use of ground receiving or distribution equipment, except at the subscribers' premises or in the uplink process to the satellite.

(2) PROVIDER OF DIRECT-TO-HOME SATELLITE SERVICE.—For purposes of this section, a ''provider of direct-to-home satellite service'' means a person who transmits, broadcasts, sells, or distributes direct-to-home satellite service.

(3) LOCAL TAXING JURISDICTION.—The term ''local taxing jurisdiction'' means any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other local jurisdiction in the territorial jurisdiction of the United States with the authority to impose a tax or fee, but does not include a State.

(4) STATE.—The term ''State'' means any of the several States, the District of Columbia, or any territory or possession of the United States.

(5) TAX OR FEE.—The terms ''tax'' and ''fee'' mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction.

(c) PRESERVATION OF STATE AUTHORITY.—This section shall not be construed to prevent taxation of a provider of direct-to-home satellite service by a State or to prevent a local taxing jurisdiction from receiving revenue derived from a tax or fee imposed and collected by a State.

[41. Protection of Minors]

Page 167, after line 20, insert the following new section (and conform the table of contents accordingly):

SEC. 403. PROTECTION OF MINORS AND CLARIFICATION OF CURRENT LAWS REGARDING COMMUNICATION OF OBSCENE AND INDECENT MATERIALS THROUGH THE USE OF COMPUTERS.

(a) PROTECTION OF MINORS.—

(1) GENERALLY.—Section 1465 of title 18, United States Code, is amended by adding at the end the following:

''Whoever intentionally communicates by computer, in or affecting interstate or foreign commerce, to any person the communicator believes has not attained the age of 18 years, any material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs, or attempts to do so, shall be fined under this title or imprisoned not more than five years, or both.''.

(2) CONFORMING AMENDMENTS RELATING TO FORFEITURE.—

(A) Section 1467(a)(1) of title 18, United States Code, is amended by inserting ''communicated,'' after ''transported,''.

(B) Section 1467 of title 18, United States Code, is amended in subsection (a)(1), by striking ''obscene''.

(C) Section 1469 of title 18, United States Code, is amended by inserting ''communicated,'' after ''transported,'' each place it appears.

(b) CLARIFICATION OF CURRENT LAWS REGARDING COMMUNICATION OF OBSCENE MATERIALS THROUGH THE USE OF COMPUTERS.—

(1) IMPORTATION OR TRANSPORTATION.—Section 1462 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting ''(including by computer) after ''thereof''; and

(B) in the second undesignated paragraph—

(i) by inserting ''or receives,'' after ''takes'';

(ii) by inserting '', or by computer,'' after ''common carrier''; and

(iii) by inserting ''or importation'' after ''carriage''.

(2) TRANSPORTATION FOR PURPOSES OF SALE OR DISTRIBUTION.—The first undesignated paragraph of section 1465 of title 18, United States Code, is amended—

(A) by striking ''transports in'' and inserting ''transports or travels in, or uses a facility or means of,'';

(B) by inserting ''(including a computer in or affecting such commerce)'' after ''foreign commerce'' the first place it appears; and

(C) by striking '', or knowingly travels in'' and all that follows through ''obscene material in interstate or foreign commerce,'' and inserting ''of''.

[42. Cable Access]

Page 170, line 21, after the period insert the following: ''For purposes of section 242, such term shall not include the provision of video programming directly to subscribers.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Texas [Mr. BRYANT] seek the time in opposition?

Mr. BRYANT of Texas. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the manager's amendment to H.R. 1555. I am joined in support for that amendment by the distinguished ranking Democrat member of the Commerce Committee, Mr. DINGELL, and the distinguished chairman of the Judiciary Committee, Mr. HYDE.

The manager's amendment makes numerous changes to H.R. 1555, as the bill was reported from the Commerce Committee. Many of these changes reflect the compromise struck between the Commerce and Judiciary Committees on issues over which both committees have jurisdiction. As you know, the Judiciary Committee reported H.R. 1528, which also addresses the AT&T consent decree. The two committees have worked hard to reconcile the different approaches, and I again want to commend Chairman HYDE for his diligence and effort to come to this agreement.

Some of the important issues addressed in that agreement include: The role of the Justice Department relevant to decision on Bell Co. entry into long distance and manufacturing; Bell Co. provision of electronic publishing and alarm monitoring; supersession of the modification of final judgment [MFJ] of the AT&T consent decree; treatment of Bell Co. successors; the GTE consent decree; State and local taxation of direct broadcast satellite systems; and civil and criminal on-line pornography. I believe that we have produced an amendment that satisfies both committees' concerns on these important issues, and I commend these provisions to the Members and urge their support for them.

Additionally, we have addressed the issue of foreign ownership or equity interest in domestic telecommunications companies. This new language reflects the hard work of Messrs. DINGELL and OXLEY, who sponsored the proposal in committee, the administration and myself. I must observe, Mr. Chairman, that the foreign ownership issue is the only matter on which the administration offered specific language to the Commerce Committee, and I believe the administration's concerns have been largely resolved. Conversely, the concerns stated in the President's recent statement on H.R. 1555 have never been accompanied by specific legislative proposals. I think the committee's willingness to work to accommodate specific concerns and proposals speaks for itself.

The amendment also includes several changes to the provision governing Bell Co. entry into long distance and manufacturing. These changes enjoy the strong support of the ranking Democrat, Mr. DINGELL, the chairman of the Telecommunications Subcommittee, Mr. FIELDS, and the chairman of the Committee on the Judiciary, Mr. HYDE.

I will not claim to the Members of the House that these provisions, or this issue generally, is without controversy. This issue has been clouded with controversy virtually since the AT&T divestiture took effect on January 1, 1984. Since that time, the issue of loosening the restrictions on AT&T's divested progeny, the so-called Baby Bells, has been before Congress during each term. And each time, Congress has failed to act. Consequently, Judge Harold Greene has been left de facto, to fashion telecommunications policy. I personally believe he has done a good job, but it is time for Congress to retake the field.

I believe the changes incorporated in the manager's amendment reflect the committee's effort to craft a very careful balance. It has not been easy to draft language that is satisfactory to both sides in this debate. This difficult task will continue in the conference. This is our best effort, and it is broadly supported by Members both on and off the committee. I urge my colleagues to support this approach.

Finally, the amendment includes numerous other technical and substantive revisions to H.R. 1555. Most notably, the revisions include clarifications on municipalities' ability to manage rights-of-way, limitations on the rural telephone exemption, manufacturing by Bellcore, facilities siting for wireless services, a telecommunications development fund for small entrepreneurial telecommunications businesses, changes to the video platform to make it permissive, and provision for the ultimate repeal of the cable-MMDS cross-ownership restriction.

More importantly, the manager's amendment complements the vision and goals of the underlining bill. The key to H.R. 1555 is the creation of an incentive for the current monopolies to open their markets to competition. The whole bill is based on the theory that once competition is introduced, the dynamic possibilities established by this bill can become reality. Ultimately, this whole process will be for the common good of the American consumer.

I urge strong support for the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 15 minutes.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, there are so many things to be said this morning in the amount of time available that cannot all be said, but let me first say this. The process by which we have arrived at this early hour, after having quit so late last night, is not one that, in my view, reflects well upon this institution.

I am disappointed both in the leadership of the Republican Party and the Democrats for allowing this to take place. The fact of the matter is, the full committee, after months of work, months and months of work, reported a bill out that was designed to ensure that as we begin to see competition in areas that had never before seen competition, we would see the strongest gorilla on the block, the Bell competitors, enter into competition on the basis of a checklist that would make sure that they did not enter into it in such a way that they squeezed out the tremendously beneficial value to the consumer of the long distance competitive industry that has developed over the last 10 or 11 years since the AT&T monopoly broke up in the beginning.

Mr. Chairman, after the committee met and did our work, suddenly out of nowhere comes this amendment that has been created out of public view, been created in the back rooms, been created without organized public input, and led by the chairman of the committee and with the complicity of the chairman of the subcommittee and leaders on our side as well.

Mr. Chairman, it is not the proper way to go about this. What has it done? It has, in effect, taken away the most critical parts of this bill with regard to ensuring that competition will succeed for the benefit of the American consumer rather than be stamped out.

For example, the committee bill, which we worked on in committee and which was voted out by a large margin,

conditions Bell entry into long distance upon two things: First implementing a competitive checklist, a list of items that have to occur if local telephone markets are to be open to competition, number one; and second, upon a showing that they faced effective facilities-based local competition.

The managers' amendment, again, put together in a room some place without the input of the public, without of the input of most of the members of the committee, takes that away. In fact, a key part of the actual competition test that requires that a new entrant's local service be ''comparable in price, features and scope'' would be dropped.

Mr. Chairman, the impact is that the Bell companies could enter long distance without facing real local competition. This is complicated, arcane, it is tedious, but it is the work of this committee and, unfortunately, the work of this committee has been thrown out as we saw the work, in my view, of lobbyists in the back room be substituted for the work of this House in the light of day.

Mr. Chairman, what else have they changed in this amendment? They have changed 42 things. We are going to hear people say, ''We passed the bill out of the committee and then we discovered all of these problems that we had created and we had to get them fixed.''

The fact of the matter is, they apparently had to fix 42 different things, because there are 42 different changes in this managers' amendment. It is a shameful process. It is an embarrassment to the House. I think it is, frankly, an embarrassment to the Members who have brought it before us, because I do not think they believe in their hearts that this has been the proper process.

Mr. Chairman, I mentioned one big major change; let me mention another one. Before, under the committee-approved bill, the Bell companies would have had to apply for entry into long distance 18 months after we enacted the bill. Why? To give the FCC and the States enough time to make sure that there was full implementation of the competitive checklist.

What does the managers' amendment do? It changes that drastically by saying they can apply for entry after only 6 months. I do not have to tell Members that serve in this House, and that have served in State and local government and have served in Federal Government for a long time that 6 months is not enough time to let these agencies get in a position to make sure that they do not drive the competitors out of business, but that is what we have in the managers' amendment.

Resale: Under the committee's bill, the Bell companies are going to be required to make their local services available for resale by new local competitors in a way that makes it economically feasible for the reseller.

What does the managers' amendment do? It changes that entirely. The economically feasible condition would be eliminated. The fact of the matter is that we would not be able to guarantee that the Bell companies would have adequate competition in the local market before they entered the long distance market.

Mr. Chairman, I think what we see here is a big lobbying war. They lost it when it was fought in public, but they won it when it was fought in the back rooms, and so we have an amendment here today that tries to change the whole course of the process. I think it is unprecedented. Maybe there is a precedent. If there was a precedent for it, it should be condemned.

Mr. Chairman, the managers' amendment is a bad deal for the American people, and I urge every Member to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I want to first express my gratitude and respect to my friend and colleague, the gentleman from Virginia [Mr. BLILEY], for the fine fashion in which he has worked with us, and also to my good friend, the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee. The work of the gentlemen on this matter, as well as the work of the other members of the Committee on Commerce, has helped bring us successfully to a point where we can consider this major piece of telecommunications legislation.

Mr. Chairman, the first item of business, of course, is the managers' amendment. For the benefit of some of my colleagues around here who should remember, but do not, I am going to point out that this is a traditional practice of this body. That is, to assemble an amendment in agreement between the two committees which have worked on the legislation, which can then be placed on the floor and voted on.

Mr. Chairman, this is done in an entirely open and proper fashion. It is an amendment which, on both substance and procedure and practice, is correct, proper and good and consistent with the traditions of the House.

The House can vote openly and discuss openly the matters associated with the managers' amendment and we can then proceed to carry out the will of the House, which is the way these matters should be done.

Mr. Chairman, there were a number of defects and differences in both bills. Amongst those provisions was one which required local telephone companies to subsidize the long distance competitors by setting rates for resale that were economically reasonable to the reseller.

Mr. Chairman, that would have caused local rates to skyrocket for the household user. It would have required service which cost $25 to be sold to AT&T for $6; something which would have caused the necessity of subsidizing, then, AT&T at the expense of small business and the local phone user, an outrageous situation.

The gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] worked with me to correct this serious abuse and this failure in the legislation.

The committee bill also contained a provision that would preclude the Bell companies from offering network-based information service. That would have prevented these companies from offering a number of services in the market, and denied the customer and the consumer an opportunity to have the best kind of competitive service from all participants.

The gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] and I worked out a compromise which permits these services to continue to be offered. That is included in the managers' amendment.

The long distance industry has, in a very curious fashion, charged that these changes, and others that are included in the amendment, unfairly benefit the Bell companies. That is absolute and patent nonsense. All that this amendment does is to remove or modify provisions that unfairly protect the long distance industry from fair competition by the Bells, a matter which I will discuss at a later time.

Frankly, Mr. Chairman, I would note that in many ways it does not go far enough. There is no justification, whatsoever, for the out-of-region restriction. The compromise leaves that in place until each Bell company has received permission to originate long distance service in each State in its region. That is not an unfair arrangement, but it is the least favorable from the standpoint of the Baby Bells that is in any way defensible.

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Mr. Chairman, I also want to remind my colleagues of the scandalous and outrageous behavior of the long-distance lobby. I want to remind them that each Member has been deluged with mail and telegrams, many of which were never sent by the person who appears as signatory. This is a matter which I will also pursue in another forum.

Mr. Chairman, this was a deliberate attempt to lie to and to deceive the Congress. It was a deliberate attempt by the long-distance operators to steal the government of the country from the people and from the consumers by putting in place a fraudulent system to make the Congress believe that the people had one set of feelings when, in fact, they did not and had quite a different set of feelings.

I would hope that those who will be speaking on behalf of the long-distance industry today will seek to defend that outrageous behavior, instead of attacking a proper piece of legislation.

Mr. BLILEY. Mr. Chairman, I reserve the balance of my time.

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, I rise in opposition to the manager's amendment.

Yesterday, my office heard from public utility commissioners all over the country, Alabama, Arizona, California, Kansas, New Hampshire, Nebraska, Nevada, my home State of Oklahoma, Oregon, Utah, and Wisconsin, all public utility commissioners who called and vigorously agreed with my position. We also heard from the National Association of State Utility Commissioners, who support my position.

Let me read from one of the letters from a commissioner in New Hampshire: ''As a State telecommunications regulator, I believe the so-called manager's amendment to H.R. 1555 will not adequately protect the interests of the consumer in insuring the existence of meaningful telecommunications competition.''

Mr. Chairman, this was just one of the letters. I have many more. If my colleagues would like to take a look at them, they are more than welcome to do that.

Before we vote on this manager's amendment, I encourage the Members of this House to call their State public utility or public service commissioners and see what they think about the manager's amendment. I have talked to Members of the House over the last 48 hours and said, ''We do not understand this legislation. If you don't understand this legislation, call your public service or public utility commissioner.''

Mr. Chairman, we are placing the public utility commissioners in an untenable situation to not put in some sort of tangible measurement for competition. We must make sure that there is fair and open competition for our constituents, the ratepayers, who will bear the burden of this amendment.

I am not concerned about the RBOC's or the long-distance carriers. My special interest in this situation are the ratepayers. I served for 4 years as a public utility commissioner. I dealt with these long-distance issues. I dealt with these situations for 4 years.

Mr. Chairman, this is not fair and open competition. I oppose the manager's amendment. I strongly urge a ''no'' vote to the manager's amendment, and I ask for fair and open competition.

Mr. Chairman, I submit for the RECORD the following letters.

STATE OF NEW HAMPSHIRE,
PUBLIC UTILITIES COMMISSION,
Concord, NH, August 3, 1995.

Congressman J.C. WATTS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WATTS: This is written to support the original version of H.R. 1555. As a state telecommunications regulator, I believe the so-called Manager's Amendment to H.R. 1555 will not adequately protect the interests of the consumer in insuring the existence of meaningful telecommunications competition.

Sincerely,

SUSAN S. GEIGER,
Commissioner.

NEBRASKA PUBLIC SERVICE COMMISSION,
Lincoln, NE, August 3, 1995.

Hon. J.C. WATTS, Jr.,
U.S. House of Representatives, Longworth Office Building, Washington, DC.

DEAR CONGRESSMAN WATTS: As a member of the Nebraska Public Service Commission, I support federal legislation which preserves the states' role in shaping this country's future competitive communications industry.

In Nebraska, we are particularly proud of the quality of telecommunications service our customers enjoy. Any federal legislation should continue to provide a state role in regulating quality standards and establishing criteria for BOC entry in the interLATA market.

The needs of Nebraska's customers are varied; therefore, we must continue to play an active role during the transition to fully competitive communications markets.

Sincerely,

Lowell C. Johnson.

STATE OF NEVADA, ATTORNEY GENERAL'S OFFICE OF ADVOCATE FOR CUSTOMERS OF PUBLIC UTILITIES,
Carson City, NV, August 3, 1995.

Ms. CATHY BESSER, c/o Rep Vucanovich's Office.

DEAR MS. BESSER, We strongly urge Representative Vucanovich to OPPOSE H.R. 1555, Communications Act of 1995, in its present form. Several Anticonsumer and anticompetitive sections of the bill will hurt Nevada's consumers by thwarting local competition and drastically redoing regulatory oversight. Please do not allow Rep. Vucanovich to support HR 1555 in its present form; It will hurt Nevada in the pocketbook.

Best Regards

MIKE G.

ARIZONA CORPORATION COMMISSION,
Pheonix, AZ, August 3, 1995.

Hon. JOHN SHADEGG,
House of Representatives, Cannon House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE SHADEGG: I am writing to urge you to vote against the Manager's amendment to H.R. 1555. The Communications Act of 1995.

As you may be aware, the Arizona Corporation Commission, on June 21, 1995, approved far-reaching rules to open local telecommunications markets in Arizona to competitors. Our June 21st action came after nearly two years of detailed analysis of the issues and countless hours of meetings with all stakeholder groups in arriving at a thoughtful, detailed process for opening local markets to competition. Arizona's rules, moreover, make our state one of the 15 most progressive states in the nation in telecommunications regulatory reform. Our efforts would be totally negated with the adoption of the Manager's amendment.

The Manager's amendment would preempt Arizona and other states from proceeding with plans to open telecommunication markets to competition, and thereby, put the brakes on the benefits that customers would receive from competition. Please vote against the Manager's amendment, and allow competition to proceed in Arizona.

Very truly yours,

MARCIA G. WEEKS,
Commissioner.

PUBLIC SERVICE
COMMISSION OF WISCONSIN,
Madison, WI, August 3, 1995.

Hon. J.C. WATTS,
House of Representatives, Longworth House Office Building, Washington, DC.

Re: H.R. 1555

DEAR REPRESENTATIVE WATTS: I agree that the original bill did a much better job of balancing the power between competitors, and because of that, it did a better job of promoting competition. My concern about the original bill is that it gave too much power to the Federal Communications Commission (FCC) and preempted the states.

H.R. 1555 as originally drafted takes away current state authority and gives back only very specific and limited authority, while expanding the authority of the FCC. The bill allows the FCC to preempt the states on many key issues. This provides an incentive for the current monopoly provider to challenge every state decision. Rather than lessening regulation, this will add an additional layer. The regulatory lag created by the dual level of regulation will also advantage the dominant provider to the detriment of competitors, customers and the country. If all authority is given to the FCC, state progress, and thus competition, will come to a halt. Although the managers amendment does not give us everything we had asked for, it certainly does a better job of balancing federal and state jurisdiction.

To the extent that your efforts would give the states a stronger chance to gain some ground on the jurisdictional issues in conference committee, I would tend to support your efforts.

Sincerely,

CHERLY L. PARRINO,
Chairman.

STATE OF ALABAMA,
ALABAMA PUBLIC SERVICE COMMISSION,
Montgomery, AL, August 3, 1995.

Hon. SPENCER BACHUS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BACHUS: We would like to register our agreement with Congressman Watts over the status of H.R. 1555. The bill that came out of committee was a carefully drafted document that did have some level of support from industry and regulatory representatives.

The National Association of Regulatory Utility Commissioners (NARUC) Telecommunications Committee, of which Commissioner Martin is a member, participated in the crafting of this bill and was supportive of it as it passed the House Committee. In addition, Commissioner Sullivan, a member of the NARUC Executive Committee, does not favor the provisions in the Manager's Amendment. We feel that the Manager's Amendment will make the job of ensuring fair competition very difficult. We urge you to vote against the Manager's Amendment and go back to the original bill the Committee members drafted and passed.

Sincerely,

JIM SULLIVAN,
President.
CHARLES B. MARTIN,
Commissioner.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in strong opposition to the Bliley-Fields amendment.

This is a body hell bent against tax increases, but let's be clear about what this bill is. It's a tax increase. People will see increases in their telephone bills, their cable bills, their internet bills, and bills for any service that connects them to any communications wire.

Each and every day, we hear about and see rapid developments in communications that keep our country on the cutting edge. Now is not the time to

pass a law that could harness this energy. We should be unleashing, and reaping the benefits of this exciting new technology.

The Bliley-Fields amendment is a harness that maintains old monopolies, and stifles real competition.

H.R. 1555 is also a bad deal for consumers. It is estimated that since we passed the Cable Act in the 102d Congress, consumers have saved more than $3 billion. This bill would gut those provisions and deregulate an industry where no real competition exists.

I urge you to think about your constituents as they answer their phones, sign on to their computers, turn on their televisions, and open their cable bills. If we rush pass H.R. 1555, our constituents may start thinking negatively about us when they do these things. Vote no on this tax increase, vote ''no'' on Bliley-Fields.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I commented more extensively on the manager's amendment in the debate in chief on the general debate, so I will not repeat that now, except to say I do support the manager's amendment. I think it has tied up a lot of loose ends and makes the entire telecommunications field more competitive.

The purpose of the entire legislation was really to enhance competition, because that certainly helps the consumer, facilitates development of all these various industries, and benefits the country and the economy at large. Given the complexity of this legislation, this manager's amendment goes a long way toward resolving that.

The Committee on the Judiciary met with the staff of the gentleman from Virginia [Mr. BLILEY] and resolved many controversies, so I am pleased to support the manager's amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, this bill has a lot of good things in it, but one it does not have is increased competition.

In a real effort to provide more competition, I offered an amendment that simply said that a Bell Co. has to have at least the availability of 10 percent of the customers going to a competitor, not that 10 percent have to be signed up for competition, but that 10 percent have to be able to sign up for competition. That was ruled out of order to protect the manager's amendment.

Mr. Chairman, the manager's amendment goes a long way to shut down realistic competition. If the manager's amendment passes, consumers lose. We need to reject the manager's amendment, go back to the language that came out of the committee or ensure that we put in language that would allow real competition, ensuring that at least 10 percent of the customers have the ability to ask for service from a competitor.

Mr. Chairman, I do not think 10 percent is unreasonable. However, I think the manager's amendment is very unreasonable, and I would urge a ''no'' vote.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Chairman, I thank my colleague from Texas [Mr. BRYANT], and rise in reluctant opposition to the manager's amendment.

The process that brought this manager's amendment to the House floor today has been sorely compromised and will result in a bill that, I believe, will raise more questions than answers. My key concern with process rests in the manager's amendment that is before us.

As we all know, the Commerce Committee reported out H.R. 1555 by a consensus-demonstrating vote of 38 to 5. Before that, the Subcommittee on Telecommunications and Finance reported the legislation after lengthy debate, and previously in this Congress, after many hearings, and in Congresses before, other numerous hearings related to the telecommunications reform measures before us today.

While no one was completely pleased with the bill that was reported out originally by the committee, the committee did produce a balanced bill. That is what happens when you hold public hearings and public markups. It is the way the process is supposed to work in this House.

But what we have before us today, Mr. Chairman, is a manager's amendment that is 60 pages long, with 42 different changes from what the committee reported out.

Mr. Chairman, we are being asked to vote on this amendment and adopt it practically sight unseen. If the changes made in this 60-page manager's amendment are so important, why was not this amendment returned to the Commerce Committee and to the Committee on the Judiciary for their approval before going to the floor?

Mr. Chairman, I vote a ''no'' vote on the manager's amendment.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BOUCHER] for an enlightened discourse on this matter, and I have been looking forward very much to hearing from the friends of the long-distance operators and I am somewhat distressed that I am not going to do so at this time.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the manager's amendment and in support of H.R. 1555 and would like to take this time to engage in a colloquy with the gentleman from Illinois [Mr. HASTERT] with respect to legislation we have crafted concerning the application of the interconnection requirements with respect to small telephone companies, and at this time, I would yield to the gentleman from Illinois [Mr. HASTERT] for that colloquy.

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as you know, the gentleman from Virginia [Mr. BOUCHER] and I have been working on language to refine an amendment that the gentleman offered at full committee. I would like to ask the gentleman to take a moment to outline the purpose of his original amendment.

Mr. BOUCHER. Mr. Chairman, reclaiming my time, the amendment that I offered at full committee and which was approved on a voice vote was meant to assure that the more than 1,000 smaller rural telephone companies in our Nation would not have to comply immediately with the competitive checklist contained in section 242 of H.R. 1555.

Rural telephone companies were exempted because the interconnection requirements of the checklist would impose stringent technical and economic burdens on rural companies, whose markets are in the near term unlikely to attract competitors.

It was never our intention, however, to shield these companies from competition, and it is in that context that the language the gentleman and I have agreed to is pertinent, and I would yield back to him to explain the amendment we have crafted.

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, a refinement of the Boucher amendment assures that rural telephone companies defined in H.R. 1555 will be exempted from complying with the competitive checklist until a competitor makes a bona fide request. Once a bona fide request is made, a State is given 120 days to determine whether to terminate the exemption.

States must terminate the exemption if the expanded interconnection request is technically feasible, not unduly economically burdensome, is consistent with certain principles for the preservation of universal service.

Mr. BLILEY. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. HASTERT].

(Mr. HASTERT asked and was given permission to revise and extend his remarks.)

Mr. HASTERT. Mr. Chairman, of critical importance here is an understanding shared by the gentleman from Virginia [Mr. BOUCHER] and me that the economic burdens of complying with the competitive checklist fall on the party requesting the interconnection. However, to the extent the rural telephone company economically benefits from the interconnection, the States should offset the costs imposed by the party requesting interconnection.

Furthermore, we want to make clear that while H.R. 1555 provides that the

user of the interconnection pay the cost of interconnection, the user in this context is the corporate entity requesting interconnection with a local exchange company.

It would be a perversion of the intent if the cost of complying with the competitive checklist would require the incumbent rural telephone company to increase its basic local telephone rates to fund the competitor's service offering.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the question this morning is, what is the hurry? After 61 years, we spent time in committee and in subcommittee and we developed H.R. 1555. I did not support the bill but at least I was part of the process.

Now it is whether you believe the Washington Post and the Wall Street Journal who say that people like Rupert Murdoch and Ameritech and others have gotten special favors from this manager's mark. In other words, after the committee had worked its will, large corporations continued to lobby the Republican leadership to change the bill and they agreed to do it.

Mr. Chairman, this amendment is a top down, your vote does not count. The only important input is from the Speaker of the House amendment. This is not the kind of representative government that our constituents deserve. Nearly every provision that is in this manager's mark should be voted on separately. It is not going to happen. We will not have that opportunity. This is a bad process. It is bad governance, and I urge my colleagues to oppose the manager's amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the manager's amendment.

Mr. Chairman, we all favor increased competition in all markets. And that is what I thought this bill stood for. But the fact is that local carriers are in a unique position because all long-distance calls must pass through their facilities.

This control lets the local carriers discriminate against their competitors in the delivery of long-distance service. If not a single other entity can offer this service with their own equipment, the locals will continue to stifle competition.

That is precisely why we need the facilities based competition provided in the original bill. The 66 page manager's amendment—takes this entry test out of the bill, and that is simply unfair.

Mr. Chairman, if there is only one drawbridge over a river, the person who lifts that bridge is a monopoly. Likewise, if all long-distance calls have to go through one company's switches, we still have a monopoly. Oppose this amendment and support the original bill.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have two choices in this bill. The whole notion of an open architecture cyberspace-based competition is undermined by what has happened between the full committee and the manager's amendment.

What we had determined at the full committee was that if, in fact, the telephone company used common carrier facilities in order to build their cable network, that it would have to have an open architecture, so that any provider of information, any 18-year-old kid, any producer, would be able to use this common carrier network in order to get their ideas into every home.

Mr. Chairman, that was in contrast to the old cable model where if the telephone company built another cable system, but under design of the cable companies of the past, then they would be regulated like a cable company, get a franchise.

This bill takes that open architecture concept, throws it out the window. We must go back to that if we are going to enjoy the full benefits of this information revolution.

What is most troubling to me about the manager's amendment is that it takes the open access, common carrier model for telephone company delivery of video and makes that optional.

The information superhighway had always been heralded as an opportunity for consumers to get 500 channels of television, and for independent, unaffiliated producers of information to use the network and reach the public.

The bill had set up an appropriate balance I believe. It told the phone companies that when they got into the cable business they had a choice. They could build separate facilities, and overbuild cable systems to provide video services. If they did that they would be regulated as a cable company is regulated—under title 6 of the Communications Act—and they would have to go out and obtain a franchise just as cable companies do.

The second option—if they wanted to use their phone network facilities and construct a system using a common carrier, equal access network to send video services to consumers—the legislation provided a video platform model. This video platform model ensured that unaffiliated, independent programmers, software engineers, the kid in the garage—could obtain access to the phone company's network and provide video, interactive, multimedia services to consumers too.

After all, every consumer ratepayer had helped pay for the phone network, shouldn't everyone have a right to use the information superhighway.

These openness rules were provisions establishing rules also under title 6 of the Communications Act. The bill specifically said that there would be no burdensome title 2 traditional phone company, utility type regulation. The bill already dealt with that and did it well.

The managers amendment, on the other hand, would allow a phone company to build a closed, proprietary cable system on a common carrier phone network architecture. No other independent film producer, unaffiliated programmer, video game maker can claim a right to carriage. Only the phone company.

This isn't the open road people have in mind when they think of cyberspace. In fact, the very notion of cyberspace in antithetical to closed, proprietary systems where only one provider of information is allowed to rule the road.

One of the principles of common carriage for 60 years has been that any service you make available to one entity, you have to make available to all comers. This managers amendment lets the phone company—on a common carrier facility—make access available to itself and no one else.

I think that is a giant step backward and for that reason I oppose the managers amendment. It is bad for small, independent, unaffiliated providers of information, for entrepreneurs and inventors.

I believe that if phone companies are going to use the phone network—a communications network that all ratepayers have paid for—that access for video services should not be the sole domain of the phone company, but rather an open superhighway for other creative geniuses as well.

Mr. DINGELL. Mr. Chairman, I yield myself 1 minute.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. I have heard a lot of irresponsible talk about how secret agreements were made between the two committees. Well, nothing of the kind occurred. There was open discussion between the chairman of the Committee on the Judiciary and the chairman of the Committee on Commerce, and from that came the managers' amendment, and there is no secrecy involved here.

As a matter of fact, for the benefit of those who do not know, the manager's amendments return this legislation to something very close to what passed this House last year 423 to 5. That is what the members' amendment does. The process is open. Members are having an opportunity to discuss this on the House Floor under a rule, and to say otherwise is either to deceive yourself or to deceive the Members of this body.

That is what the facts are, and I would urge my colleagues to not listen to this kind of nonsense, but rather, to respect the institution, the Members who have brought forward this amendment, to understand that it is a fair amendment, it is in the public interest, and it is balanced, and it is not founded upon a lot of sleazy lobbying of the kind we have seen and the mail we have been getting from the long-distance industry.

□ 0840

Mr. BRYANT of Texas. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas is recognized for 1 minute.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I say to my colleagues, had I been a party to this, I would stand up on the floor, and I would wave my arms and speak loudly as well. The fact of the matter is you voted for the bill that came out of committee, and the gentleman from Virginia [Mr. BLILEY] voted for the bill that came out of committee. I voted against it. But now the two of you come to the floor with a totally different bill. Mr. Chairman, this is not the bill that passed the House by 400 and something to nothing last year. This is a totally different approach. The fact of the matter is it was written in the darkness. The committee did not have any input into this. The Members did not have any input into this. My colleagues wrote it behind closed doors. The Bell companies came and said, ''Hey, we decided we don't like what happened in the committee. Rewrite the bill and help us out.''

Mr. Chairman, that is what my colleagues have done here. The fact of the matter is this process is an outrage, and Members stand on the floor, and wave their arms and say somebody is trying to deceive the American people, they should have written the bill in public, not behind closed doors. It is an outrage.

I would urge Members, if for no other reason, and I will not yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BRYANT] has expired.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

(Mr. BURR asked and was given permission to revise and extend his remarks.)

Mr. BURR. Mr. Chairman, I rise in support of the manager's amendment.

During the Commerce Committee's consideration of H.R. 1555, I offered an amendment designed to permit Bell operating telephone companies to resell the cellular services of their cellular affiliates. Currently, Bell operating companies, alone among local telephone companies, are prevented from providing or even reselling cellular services with their local services. Larger companies, like GTE—the largest local exchange carrier in the United States—are not restricted from marketing cellular services with their long distance or local services.

Several of my colleagues were concerned that they had not had an ample opportunity to consider the amendment. With the understanding that it could be included in the managers' amendment if these members, upon further study, were not troubled by the substance of the amendment, I withdrew it. Having satisfied the members' concerns with new language, I want to thank the managers of this bill for agreeing to include that language in their amendment.

As with my original amendment, the primary goal of the new language is to provide the Bell operating telephone companies with sufficient relief from existing FCC rules to permit them to offer one-stop shopping of local exchange services and cellular services. Currently, FCC rules not only prohibit those operating companies from physically providing cellular services—that is, from owning the towers, transmitters, and switches that make up cellular services—but also from marketing cellular services—that is, selling cellular services.

This amendment does not lift the FCC's prohibition against the Bell operating telephone companies providing the cellular services; it merely permits them to jointly market or resell their cellular affiliate's cellular services along with their local exchange services. Under existing FCC polices, cellular providers must permit resale of their cellular services. Thus, virtually everyone but the Bell operating telephone companies can resell the cellular services of their cellular affiliates.

Thus, together with other provisions in the bill, this amendment will help to put the Bell operating telephone companies on par with their competitors by allowing them to resell cellular services—including the provision of interLATA cellular services—in conjunctions with local exchange services and other wireless services—that is, PCS services—that they are already permitted to provide.

AT&T has voluntarily entered into a proposed consent decree with the Department of Justice. This would obviate certain potential violations of section 7 of the Clayton Act arising out of its acquisition of McCaw Cellular. To overcome the Department's opposition to the acquisition, AT&T agreed to certain restrictions regarding its provisions and marketing of McCaw's cellular services.

In order to ensure that all carriers can offer similar service packages, language has been included in the amendment to supersede language in that pending decree. As a result, AT&T and others will be able to sell cellular services on the same terms as the Bell companies. Specifically, all carriers would be able to sell cellular services, including interLATA cellular services, along with local landline exchange offerings.

However, the Bell operating companies will not be able to offer landline interLATA services in conjunction with such local telephone—even in conjunction with a cellular/cellular interLATA service offering—until they have met the conditions for interLATA relief.

Accordingly, the amendment makes it clear that it does not alter the effect of subsection 242(d) on AT&T or any other company. As a result, AT&T and other competitors subject to that provision will not be able to offer or market landline interLATA services with a local landline exchange offering—even in conjunction with a cellular/cellular interLATA package—until the Bell companies are authorized to do so.

Mr. BILILEY. Mr. Chairman, to close debate, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

The CHAIRMAN. The gentleman from Texas [Mr. FIELDS] is recognized for 2 minutes.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, let me just say very briefly, and then I am going to yield to the gentleman from Michigan, this is a fair and balanced approach that we are now bringing to this floor for a vote. This is a delicate process, it is a complex process. On a piece of legislation like this we expect a manager's amendment. No one has talked about other things that are in this manager's amendment, local siting, under the right-of-way, the telecommunication development fund sponsored by the gentleman from New York [Mr. TOWNS], a lot of good things in this particular amendment. But I want to identify myself with the remarks made by the gentleman from Michigan. In my career I have never seen a more disingenuous lobbying effort by any segment of an industry.

The long-distance industry, I say shame on them.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to reiterate to my colleagues the process under which we are considering this legislation is no different than we have ever done wherever we have had differences between two committees, and the process of working out an amendment between those who supported the bill is an entirely sensible one. Had the gentleman from Texas desired to be a participant in that, he could have, * * * and the result of that is that he did not participate.

Mr. BRYANT of Texas. Mr. Chairman, I ask that the gentleman's words be taken down.

The CHAIRMAN. The gentleman from Michigan will suspend.

Does the gentleman ask unanimous consent to withdraw his reference?

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the words referred to.

Mr. BRYANT of Texas. Reserving the right to object, Mr. Chairman, I do not intend to go along with this unanimous-consent request unless there is an apology and an explanation that what he said was inaccurate, totally inaccurate, because I have had absolutely no involvement with the chairman with regard to the development of this amendment whatsoever, and so what he said was inaccurate.

Mr. Chairman, if the gentleman will acknowledge it was inaccurate, at that time I will be happy to go along with his unanimous-consent request.

The CHAIRMAN. Does the gentleman from Texas [Mr. BRYANT] yield under his reservation of objection to the gentleman from Michigan [Mr. DINGELL]?

Mr. BRYANT of Texas. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I am not quite sure what the Chair is telling me.

The CHAIRMAN. The gentleman from Texas reserves the right to object, and under his reservation he has said that he would insist on having the gentleman's words taken down.

Mr. DINGELL. Mr. Chairman, if I said anything which offends the gentleman, I apologize.

The CHAIRMAN. The gentleman from Texas?

Mr. BRYANT of Texas. Further reserving the right to object, Mr. Chairman, I will not go along with the unanimous-consent request after the words that were spoken were so evasive as that. The fact of the matter is the gentleman made a factual allegation with regard to my role in this bill which was totally inaccurate. I want him to apologize, and I want him to state that it was not correct what he said because he knows it was not correct. Otherwise I would insist that the gentleman's words be taken down.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] insists that the words of the gentleman from Michigan [Mr. DINGELL] be taken down.

Mr. DINGELL. Mr. Chairman, I would ask unanimous consent to withdraw the word ''sulk.''

The CHAIRMAN. Without objection, that word is withdrawn.

Mr. BRYANT of Texas. Further reserving the right to object, Mr. Chairman, I have made it very clear that the gentleman from Michigan [Mr. DINGELL] made an allegation about me that was incorrect, and I want him to state that it was not correct, and he knows it was not correct, and then I want him to apologize for it. Otherwise there is not going to be any withdrawal of my objection.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] continues to reserve the right to object.

Mr. BRYANT of Texas. I would just point out once again I have had no dealings with the gentleman on this matter. He has no basis on which to make that statement whatsoever, nor have I had any dealings in any fashion interpretable in the way that the gentleman spoke to the other side, and, if he is going to persist in that allegation, then I am going to insist that his words be taken down.

The CHAIRMAN. Does the gentleman from Michigan care to respond?

Mr. DINGELL. Mr. Chairman, I am not quiet sure to what I am supposed to respond.

The CHAIRMAN. A unanimous-consent request has been made to withdraw the words. The gentleman from Texas has reserved the right to object to that unanimous-consent request stating, as he has stated, that he desires an apology and an understanding that it was factually incorrect.

Mr. DINGELL. Mr. Chairman, I have asked unanimous consent to withdraw the words. I have said that if I have said something to which the gentleman is offended, then I apologize. I am not quite sure how much further I can go in this matter.

Mr. BRYANT of Texas. Reserving the right to object, Mr. Chairman, I will tell the gentleman how much further he can go in this matter.

Mr. Chairman, I have had no visits with the gentleman about this manager's amendment except to express my general opposition to the whole process. The gentleman stated that I behaved in a particular way when in fact I have had no opportunity to behave either this way or any other way with the gentleman, and, if what the gentleman said is simply an outburst of temper, I think, I have been guilty of the same thing, and I want the gentleman to make it plain to the House that there has been no opportunity for there to have been any type of behavior whatsoever.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I will be pleased to make the observation that the gentleman chose not to be a participant in moving the bill forward. If I said that he has sulked, that was in error. I apologize to the gentleman.

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

Mr. BRYANT of Texas. Mr. Chairman, I withdraw my reservation of objection.

Mr. FIELDS of Texas. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas has 30 seconds remaining.

Mr. FIELDS of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Michigan has made it clear to Democrat Members this is a fair process, it is a good process. I want to say to Republican Members we have worked for 2½ years on opening the local loop to competition. If my colleagues want fair competition, if they want the loop open with a level playing field, vote for this manager's amendment. It is time to move this process forward, time to move the telecommunication industry into the 21st century.

Mr. TAUZIN. Mr. Chairman to enforce the long-distance restriction on the seven Bell companies, the district court approved the establishment of the so-called local access transport area or LATA system. The drawing of the LATA system is extraordinarily complex and confusing. There are 202 LATA's nationwide; four of them are in Louisiana and they bear no relationship to markets or customers. Yet it is the LATA system that is used to regulate markets and limit customer choices. LATA boundaries routinely split counties and communities of interest. LATA boundaries can even extend across State lines to incorporate small areas of a neighboring State into a given LATA. Louisiana does not have any of these so-called bastard LATA's but our neighboring State to the east, Mississippi, does. Towns and communities in the northwest corner of Mississippi, such as Hernando, are actually part of the Memphis LATA. That's Memphis, TN, not Mississippi.

The enforcement of the long-distance restriction on the seven Bell companies and the establishment of the LATA system effectively preempted State jurisdiction over entry and pricing of telecommunications service. In the process, State authority over intrastate inter-LATA telecommunications have been impeded. For example, in Louisiana the Public Service Commission instituted a rate plan that provided K–12 schools with specially discounted rates for high speed data transmission services. With the availability of the education discount, it was contemplated that school districts could upgrade their educational systems, establish computer hookups, and tie into their central school board locations to improve and facilitate administrative services. The public school system in Louisiana is aggressively implementing communications technology to improve access to educational resources and streamline administrative processes.

There are 64 parishes in Louisiana. Each parish has its own school district. Thirteen of the sixty-four parishes are traversed by a LATA boundary, meaning the school district locations in each parish are divided by the LATA system. Consequently, K–12 schools in the Allen, Assumption, Evangeline, Iberia, Iberville, Livingston, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Tangipahoa, Vernon, and West Feliciana Parishes are unable to take advantage of the education discount program as intended by the Louisiana Public Service Commission. The LATA boundary effectively prevents the schools in these 13 parishes from linking to the Louisiana Education Network and the Internet as well. These failures are attributable to the fact that the inter-LATA restriction dictates alternative, circuitous routing requirements to link the schools—making the service unaffordable. The chart to my right depicting the scenario of the Vernon Parish School District is just one example of this routing problem. The inability of these 13 school districts to network K–12 schools is denying the students, teachers, and administrators throughout these parishes the opportunity to utilize new tools for learning and teaching.

The LATA system arbitrarily segments the telecommunications market. Many business, public, and institutional customers, such as the 13 parish school districts in Louisiana, have locations in different LATA's which makes serving them difficult, costly, and inefficient. In Louisiana, BellSouth has filed tariffs with the Public Service Commission, is authorized to provide the high-speed data transmission services, and would be in a position to offer the services to the 13 school districts at specially discounted rates were it not for the inter-LATA long-distance restriction. In the alternative to BellSouth, to receive the desired service any one of the 13 school districts must resort to the arrangement by which the service is provisioned over the facilities of a long-distance carrier. Typically, this would involve routing the service from one customer location in one LATA to the long-distance carrier's point of presence in that LATA then across the LATA boundary to the carrier's point of presence in the other LATA and then finally to the other customer location to complete the circuit. As the explanation sounds, this alternative route utilizing the long-distance carrier's facilities is less direct, more circuitous, and more costly to the customer than a direct connection between the two customer locations. Of the 13 affected school districts in Louisiana, I have chosen the example of the Vernon Parish schools to show the cost penalizing effect of the inter-LATA restriction.

Most of the schools in Vernon Parish are in the Lafayette LATA and are connected by a

network based in Leesville. Unfortunately, two schools in the Hornbeck area are across a LATA boundary and linking them to Leesville is so expensive that Vernon parish has not been able to include them in the network.

Hornbeck is only 16 miles from Leesville but it is in a different LATA. BellSouth could provide a direct and economical connection between the Hornbeck schools and Leesville but it is prevented from doing so because of the inter-LATA restriction.

Instead, the connection between Hornbeck and Leesville would have to be made through an indirect routing arrangement involving a long-distance carrier, AT&T. In this scenario, the route would run from Hornbeck to Shreveport, then 185 miles across the LATA boundary to Lafayette, before finally reaching Leesville, a total distance of 367 miles.

The inter-LATA restriction forces Vernon Parish to use a longer and more expensive route to connect all the schools within its district. If BellSouth was allowed to provide the direct connection between Hornbeck and Leesville, the cost to connect the Hornbeck schools would be almost $48,000 less each year, a savings that could enable the parish to include them in the network.

The inter-LATA restriction is imposing a tremendous cost penalty on users of telecommunications and is preventing telecommunications from being used in cost effective and efficient ways. The manager's amendment would make it possible for customers like the Vernon Parish School District to take advantage of the benefits of telecommunications technology by giving them greater choices in service providers. For this reason, the manager's amendment is worthy of your support.

The relationship between section 245(a)(2)(A) and 245(a)(2)(B) is extremely important because they are, along with the competitive checklist in section 245(d), the keys to determine whether or not a Bell operating company is authorized to provide interLATA telecommunications services, that are not incidental or grandfathered services. As such, several examples will illustrate how these sections function together.

Example No. 1: If an unaffiliated competing provider of telephone exchange service with its own facilities or predominantly its own facilities has requested and the RBOC is providing this carrier with access and interconnection—section 245(a)(2)(A) is complied with.

Example No. 2: If no competing provider of telephone exchange services has requested access or interconnection—the criteria in section 245(a)(2)(B) has been met.

Example No. 3: If no competing provider of telephone exchange service with its own facilities or predominately its own has requested access and interconnection—the criteria in section 245(a)(2)(B) has been met.

Example No. 4: If a competing provider of telephone exchange with some facilities which are not predominant has either requested access and interconnection or the RBOC is providing such competitor with access and interconnection—the criteria in section 245(a)(2)(B) has been met because no request has been received from an exclusively or predominantly facilities based competing provider of telephone exchange service. Subparagraph (b) uses the words ''such provider'' to refer back to the exclusively or predominately facilities based provider described in subparagraph (A).

Example No. 5: If a competing provider of telephone exchange with exclusively or predominantly its own facilities, for example, cable operator, requests access and interconnection, but either has an implementation schedule that albeit reasonable is very long or does not offer the competing service either because of bad faith or a violation of the implementation schedule. Under the circumstances, the criteria 245(a)(2)(B) has been met because the interconnection and access described in subparagraph (B) must be similar to the contemporaneous access and interconnection described in subparagraph (A)—if it is not, (B) applies. If the competing provider has negotiated in bad faith or violated its implementation schedule, a State must certify that this bad faith or violation has occurred before 245(a)(2)(B) is available. The bill does not require the State to complete this certification within a specified period of time because this was believed to be unnecessary, because the agreement, about which the certification is required, has been negotiated under State supervision—the State commission will be totally familiar with all aspects of the agreement. Thus, the State will be able to provide the required certifications promptly.

Example No. 6: If a competing provider of telephone exchange service requests access to serve only business customers—the criteria in section 245(a)(2)(B) has been met because no request has come from a competing provider to both residences and businesses.

Example No. 7: If a competing provider has none of its own facilities and uses the facilities of a cable company exclusively—the criteria in section 245(a)(2)(B) has been met because there has been no request from a competing provider with its own facilities.

Mr. BUNNING. Mr. Chairman, I rise today in strong opposition to H.R. 1555, the Communications Act of 1995 and the manager's amendment.

My primary objection to this bill is process. We have waited 60 years to reform our communications laws. It needs to be done. We need deregulation.

But, I believe that if we waited 60 years to do it, we could wait another month, do it right, and work out some of the problems in this bill instead of ramming it through during the middle of the night.

If we would have gone a little more slowly, I believe that we could have come to an agreement that the regional Bells and the long distance companies could agree with. Instead we are passing a bill that I believe favors the regional Bells a little too much.

This bill makes it too easy for the regional Bells to get into long distance service and too difficult for cable and long distance companies to get into local service.

We should not allow the regional Bells into the long distance market until there is real competition in the local business and residential markets.

It is not AT&T, MCI, or Sprint that I am worried about. They are big enough to take care of themselves. I am concerned about the affect this bill will have on the small long distance companies who have carved themselves out a nice little niche in the long distance market.

This bill will put a lot of the over 400 small long distance companies out of business.

I agree that the bill that was originally reported out of committee probably did give an unfair edge to the long distance companies, but the pendulum has swung way too far in favor of the regional Bells. If we wait instead of passing this bill tonight we may be able to find a solution that is fair to everyone.

My second reason for opposing this bill is the fact that the little guys—many of the independent phone companies—got lost in the shuffle. This bill has been a battle of the titans. The baby Bells against AT&T and MCI.

But the big boys aren't the only players in telecommunications. There are plenty of smaller companies like Cincinnati Bell which services the center of my district in northern Kentucky.

This bill is not a deregulatory bill for Cincinnati Bell. It is a regulations bill. Although Cincinnati Bell has never been considered a major monopolistic threat to commerce, this bill throws it in with the big boys and requires them to live with the same regulations as the RBOC's—one size fits all.

For Cincinnati Bell and over 1,200 independent phone companies around the country this bill is a step in the wrong direction. It's more regulation rather than deregulation.

I also believe that this bill deregulates the cable industry much too quickly. We should not lift the regulations until there is a viable competitor to the cable companies.

The underlying principles in this bill are right on target. We need to deregulate telecommunications and increase competition. That will benefit everyone.

For that reason, I dislike having to vote against H.R. 1555.

But I firmly believe that even though this bill is on the right track, it is just running at the wrong speed. Let's slow down the train and do it right.

Mr. OXLEY. Mr. Chairman, I rise to express my firm support for the Communications Act of 1995 and the floor manager's amendment to it. The amendment improves the bill in a variety of areas, including some important refinements regarding foreign ownership.

The amendment clarifies section 303 of the bill giving the Federal Communications Commission authority to review licenses with 25 percent or greater foreign ownership, after the initial grant of a license, due to changed circumstances pertaining to national security or law enforcement. The Commission is to defer to the recommendations of the President in such instances.

In addition, I wish to clarify the committee report language on section 303 concerning how the Commission should determine the home market of an applicant. It is the committee's intention that in determining the home market of any applicant, the Commission should use the citizenship of the applicant—if the applicant is an individual or partnership—or the country under whose laws a corporate applicant is organized. Furthermore, it is our intent that in order to prevent abuse, if a corporation is controlled by entities—including individuals, other corporations or governments—in another country, the Commission may look beyond where it is organized to such other country.

These clarifications are intended to protect U.S. interests, enhance the global competitiveness of American telecommunications firms, promote free trade, and benefit consumer everywhere. They have the support of the administration and the ranking members of the Committee on Commerce, and I ask all members for their support.

On separate matter, I am aware that some of my colleagues who are from rural area, as I am, have concerns regarding the universal service provisions of H.R. 1555. I want them to know that I will work with them in conference to assure that rural consumers continue to receive the telephone service there have traditionally known. I am interested in working with my colleagues on perfecting the universal service language.

Mr. BOUCHER. Mr. Chairman, I rise in support of the manger's amendment and passage of the bill.

The bill is important because it will promote competition in all telecommunications markets, with attendant benefits for consumers and for the Nation's economy. The cable television market will be made fully competitive as telephone companies are given the right to offer cable television services. The local telephone market will be made fully competitive as cable companies and others are given the right to offer local telephone service. The long distance and telecommunications equipment markets will be made more competitive as the seven Bell operating companies are free to enter these markets.

Increased competition in all telecommunications markets will provide long-term consumer benefits. Consumers will see many new services, lower prices, and greater choices.

The bill will also encourage new investments by telecommunications companies, building for our Nation the much heralded National Information Infrastructure. As telephone companies seek to offer cable television service, they will need to install broadband facilities—fiber optic or coaxial lines—between their central offices and the premises of their users. Likewise, if cable companies desire to offer local telephone and data services, they will need to install switches to make their current broadband architecture interactive and two-way in nature. Both industries would then have the capabilities to deliver simultaneously telephone service, cable TV service, data services, and many other telecommunications services across their networks. The bill, therefore, will provide the business reasons for the major investments which are necessary to complete the National Information Infrastructure.

The manager's amendment is equally important for promoting competition in telecommunications markets. It establishes fair terms and conditions that will assure that the Bell companies open their local telephone networks before they are permitted to enter into the long distance and equipment markets. The manger's amendment creates a careful balance between the competing interests of the local telephone companies and long distance companies that was lacking in the bill reported from the Commerce Committee.

I strongly urge adoption of the manager's amendment and passage of the bill, and I yield to the gentleman from Illinois, Mr. HASTERT, for a colloquy regarding the language he and I have crafted which is contained in the manager's amendment and which governs the application of H.R. 1555's interconnection requirements to rural telephone companies.

Mr. HALL of Texas. Mr. Chairman, I am pleased to join my colleagues today in debating this important piece of legislation. The Communications Act of 1995 could easily be the most important legislation considered in this Congress. A lot of hard work and many long hours have been spent providing a delicate balance to all the competing interest in the communication's field. With this legislation, we need to be certain that we create true competition, without which the results could be disastrous not only for new market entrants, but for consumers as well.

There are many fine, small long-distance companies in my district. These good people are true entrepreneurs and hard workers. As the manager's amendment stands, I feel that these small businessmen will be threatened, all they want to do is compete. How are they to compete against a company that has the advantage of massive resources and a historical hold on the local market? After much discussion and compromise, not all sides had everything they wanted, but each side seemed pleased with what they had.

This is an important step in the modernization of a 60 year old Communications Act. The time is now, but it must be done in a carefully balanced approach. I feel the manager's amendment threatens the balance that was achieved in the bill that was overwhelmingly supported by the Commerce Committee and that is why I rise in opposition to this amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on amendment 1–1 offered by the gentleman from Virginia [Mr. BLILEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 149, not voting 29, as follows:

[Roll No. 627]

AYES—256

Ackerman
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Burr
Burton
Buyer
Callahan
Camp
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clinger
Clyburn
Coburn
Coleman
Combest
Cox
Cramer
Crane
Crapo
Cubin
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Eshoo
Farr
Fazio
Fields (TX)
Flake
Flanagan
Foley
Ford
Fox
Frank (MA)
Franks (CT)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hilliard
Hobson
Hoekstra
Hoke
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E.B.
Jones
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klug
Knollenberg
LaHood
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Manzullo
Martini
McCrery
McHugh
McInnis
McKeon
McKinney
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Olver
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Studds
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Ward
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Woolsey
Wynn

NOES—149

Abercrombie
Allard
Baesler
Baker (CA)
Baldacci
Bass
Becerra
Beilenson
Bereuter
Boehlert
Borski
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Calvert
Canady
Chapman
Clement
Coble
Collins (GA)
Collins (IL)
Conyers
Costello
Coyne
Cremeans
Cunningham
Danner
Davis
DeFazio
DeLauro
Dellums
Doggett
Doyle
Duncan
Edwards
Engel
English
Ensign
Evans
Everett
Ewing
Fattah
Fawell
Fields (LA)
Foglietta
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Gordon
Green
Hall (TX)
Hancock
Harman
Hefley
Heineman
Hilleary
Hinchey
Holden
Horn
Houghton
Inglis
Istook
Jefferson
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kasich
Kingston
Klink
Kolbe
LaFalce
Lantos
Largent
Latham
Lazio
Leach
Lipinski
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McNulty
Meehan
Meyers
Mineta
Minge
Mink
Moran
Morella
Murtha
Neumann
Oberstar
Obey
Pallone
Petri
Poshard
Pryce
Quillen
Reed
Regula
Rivers
Roth
Sabo
Sanders
Sanford
Seastrand
Sensenbrenner
Skaggs
Skelton
Slaughter
Smith (TX)
Spence
Stark
Stenholm
Stokes
Stupak
Tanner
Thomas
Torkildsen
Velazquez
Vento
Visclosky
Volkmer
Wamp
Waters

Watts (OK)	Wyden	Zeliff
Wolf	Yates	Zimmer

NOT VOTING—29

Andrews	Maloney	Spratt
Bateman	McDade	Thurman
Collins (MI)	McIntosh	Towns
Condit	Moakley	Tucker
Cooley	Ortiz	Waxman
de la Garza	Owens	Williams
Filner	Rangel	Wilson
Hayes	Reynolds	Young (AK)
Herger	Rose	Young (FL)
Kaptur	Scarborough	

□ 0910

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Filner against.

Mr. GILMAN, Mr. STOKES, and Ms. FURSE changed their vote from ''aye'' to ''no.''

Messrs. JONES, KIM, MFUME, BARCIA, HEFNER, and JEFFERSON, Ms. WOOLSEY, Mrs. KELLY, and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I inadvertently missed rollcall vote 627. Had I been present, I would have voted ''yes.''

The CHAIRMAN. It is now in order to consider amendment No. 2–1 printed in part 2 of House Report 104–223.

AMENDMENT NO. 2–1 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment, numbered 2–1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2–1 offered by Mr. STUPAK: Page 14, beginning on line 8, strike section 243 through page 16, line 9, and insert the following (and conform the table of contents accordingly):

SEC. 243. REMOVAL OF BARRIERS TO ENTRY.

(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services.

(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of a State or local government to impose, on a competitively neutral basis and consistent with section 247 (relating to universal service), requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) LOCAL GOVERNMENT AUTHORITY.—Nothing in this Act affects the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of the rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. STUPAK] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Does the gentleman from Virginia rise to claim the time?

Mr. BLILEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I am offering this amendment with the gentleman from Texas [Mr. BARTON] to protect the authority of local governments to control public rights-of-way and to be fairly compensated for the use of public property. I have a chart here which shows the investment that our cities have made in our rights-of-way.

□ 0915

Mr. Chairman, as this chart shows, the city spent about $100 billion a year on rights-of-way, and get back only about 3 percent, or $3 billion, from the users of the right-of-way, the gas companies, the electric company, the private water companies, the telephone companies, and the cable companies.

You heard that the manage's amendment takes care of local government and local control. Well, it does not. Local governments must be able to distinguish between different telecommunication providers. The way the manager's amendment is right now, they cannot make that distinction.

For example, if a company plans to run 100 miles of trenching in our streets and wires to all parts of the cities, it imposes a different burden on the right-of-way than a company that just wants to string a wire across two streets to a couple of buildings.

The manager's amendment states that local governments would have to charge the same fee to every company, regardless of how much or how little they use the right-of-way or rip up our streets. Because the contracts have been in place for many years, some as long as 100 years, if our amendment is not adopted, if the Stupak-Barton amendment is not adopted, you will have companies in many areas securing free access to public property. Taxpayers paid for this property, taxpayers paid to maintain this property, and it simply is not fair to ask the taxpayers to continue to subsidize telecommunication companies.

In our free market society, the companies should have to pay a fair and reasonable rate to use public property. It is ironic that one of the first bills we passed in this House was to end unfunded Federal mandates. But this bill, with the management's amendment, mandates that local units of government make public property available to whoever wants it without a fair and reasonable compensation.

The manager's amendment is a $100 billion mandate, an unfunded Federal mandate. Our amendment is supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures and the National Governors Association. The Senator from Texas on the Senate side has placed our language exactly as written in the Senate bill.

Say no to unfunded mandates, say no to the idea that Washington knows best. Support the Stupak-Barton amendment.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BARTON], the coauthor of this amendment.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, first I want to thank the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], and the gentleman from Colorado [Mr. SCHAEFER], for trying to work out an agreement on this amendment. We have been in negotiations right up until this morning, and were very close to an agreement, but we have not quite been able to get there.

I thank the gentleman from Michigan [Mr. STUPAK] for his leadership on this. This is something that the cities want desperately. As Republicans, we should be with our local city mayors, our local city councils, because we are for decentralizing, we are for true Federalism, we are for returning power as close to the people as possible, and that is what the Stupak-Barton amendment does.

It explicitly guarantees that cities and local governments have the right to not only control access within their city limits, but also to set the compensation level for the use of that right-of-way.

It does not let the city governments prohibit entry of telecommunications service providers for pass through or for providing service to their community. This has been strongly endorsed by the League of Cities, the Council of Mayors, the National Association of Counties. In the Senate it has been put into the bill by the junior Republican Senator from Texas [KAY BAILEY HUTCHISON].

The Chairman's amendment has tried to address this problem. It goes part of the way, but not the entire way. The Federal Government has absolutely no business telling State and local government how to price access to their local right-of-way. We should vote for localism and vote against any kind of Federal price controls. We should vote for the Stupak-Barton amendment.

Mr. BLILEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I rise in strong opposition to this Stupak amendment because it is going to allow the local governments to slow down and even derail the movement to real competition in the local telephone

market. The Stupak amendment strikes a critical section of the legislation that was offered to prevent local governments from continuing their longstanding practice of discriminating against new competitors in favor of telephone monopolies.

The bill philosophy on this issue is simple: Cities may charge as much or as little as they wanted in franchise fees. As long as they charge all competitors equal, the amendment eliminates that yet critical requirement.

If the consumers are going to certainly be looked at under this, they are going to suffer, because the cities are going to say to the competitors that come in, we will charge you anything that we wish to.

The manager's amendment already takes care of the legitimate needs of the cities and manages the rights-of-way and the control of these. Therefore, the Stupak amendment is at best redundant. In fact, however, it goes far beyond the legitimate needs of the cities.

Last night, just last night, we had talked about this in the author's amendment and we thought we worked out a deal, and we tried to work out a deal. All of a sudden I find that the gentleman, the author of the amendment, reneged on that particular deal, and now all of a sudden is saying well, we want 8 percent of the gross, the gross, of the people who are coming in. This is a ridiculous amendment. It should not be allowed, and we should vote against it.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, thanks to an amendment offered last year by the gentleman from Colorado [Mr. SCHAEFER], and adopted by the committee, the bill today requires local governments that choose to impose franchise fees to do so in a fair and equal way to tell all communication providers. We did this in response to mayors and other local officials.

The so-called Schaefer amendment, which the Stupak amendment seeks to change, does not affect the authority of local governments to manage public rights-of-way or collect fees for such usage. The Schaefer amendment is necessary to overcome historically based discrimination against new providers.

In many cities, the incumbent telephone company pays nothing, only because they hold a century-old charter, one which may even predate the incorporation of the city itself. In many cases, cities have made no effort to correct this unfairness.

If local governments continue to discriminate in the imposition of franchise fees, they threaten to Balkanize the development of our national telecommunication infrastructure.

For example, in one city, new competitors are assessed up to 11 percent of gross revenues as a condition for doing business there. When a percentage of revenue fee is imposed by a city on a telecommunication provider for use of rights-of-way, that fee becomes a cost of doing business for that provider, and, if you will, the cost of a ticket to enter the market. That is anticompetitive.

The cities argue that control of their rights-of-way are at stake, but what does control of right-of-way have to do with assessing a fee of 11 percent of gross revenue? Absolutely nothing.

Such large gross revenue assessments bear no relation to the cost of using a right-of-way and clearly are arbitrary. It seems clear that the cities are really looking for new sources of revenue, and not merely compensation for right-of-way.

We should follow the example of States like Texas that have already moved ahead and now require cities like Dallas to treat all local telecommunications equally. We must defeat the Barton-Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Stupak-Barton amendment, which is a vote for local control over zoning in our communities.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of Stupak-Barton, that would ensure cities and counties obtain appropriate authority to manage local right-of-way.

Mr. STUPAK. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I congratulate my colleague from Michigan [Mr. STUPAK] on this very important amendment.

Mr. STUPAK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard a lot from the other side about gross revenues. You are right. The other side is trying to tell us what is best for our local units of government. Let local units of government decide this issue. Washington does not know everything. You have always said Washington should keep their nose out of it. You have been for control. This is a local control amendment, supported by mayors, State legislatures, counties, Governors. Vote yes on the Stupak-Barton amendment.

Mr. BLILEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, let me say that I was a former mayor and a city councilman. I served as president of the Virginia Municipal League, and I served on the board of directors of the National League of Cities. I know you have all heard from your mayors, you have heard from your councils, and they want this. But I want you to know what you are doing.

If you vote for this, you are voting for a tax increase on your cable users, because that is exactly what it is. I commend the gentleman from Texas [Mr. BARTON], I commend the gentleman from Michigan [Mr. STUPAK] who worked tirelessly to try to negotiate an agreement.

The cities came back and said 10 percent gross receipts tax. Finally they made a big concession, 8 percent gross receipts tax. What we say is charge what you will, but do not discriminate. If you charge the cable company 8 percent, charge the phone company 8 percent, but do not discriminate. That is what they do here, and that is wrong.

I would hope that Members would defeat the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. STUPAK] will be postponed until after the vote on amendment 2–4 to be offered by the gentleman from Massachusetts [Mr. MARKEY].

It is now in order to consider amendment No. 2–2 offered by the gentleman from Michigan [Mr. CONYERS].

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NADLER. Mr. Chairman, can the Chair simply state if it plans to roll other votes? Some of us were waiting around for this vote.

The CHAIRMAN. It is the intention of the Chair to roll the next two votes on the next two amendments, 2–2 and 2–3, until after a vote on 2–4. We will debate the first Markey amendment.

Mr. NADLER. Could the Chair use names, please?

The CHAIRMAN. We will roll the next two amendments, the Conyers and Cox-Wyden amendments, until after the vote on the first Markey amendment.

AMENDMENT 2–2 AS MODIFIED OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer a modified amendment.

The Clerk read as follows:

Amendment as modified offered by Mr. CONYERS: Page 26, strike line 6 and insert the following:

''(c) COMMISSION AND ATTORNEY GENERAL REVIEW.—

Page 26, lines 8 and 10, page 27, lines 6 and 9, strike ''Commission'' and insert ''Commission and Attorney General''.

Page 27, lines 4 and 12, insert ''COMMISSION'' before ''DECISION''.

Page 27, after line 21, insert the following new paragraph:

''(5) ATTORNEY GENERAL DECISION.—

''(A) PUBLICATION.—Not later than 10 days after receiving a verification under this section, the Attorney General shall publish the verification in the Federal Register.

''(B) AVAILABILITY OF INFORMATION.—The Attorney General shall make available to the public all information (excluding trade secrets and privileged or confidential commercial or financial information) submitted by the Bell operating company in connection with the verification.

''(C) COMMENT PERIOD.—Not later than 45 days after a verification is published under subparagraph (A), interested persons may submit written comments to the Attorney General, regarding the verification. Submitted comments shall be available to the public.

''(D) DETERMINATION.—After the time for comment under subparagraph (C) has expired, but not later than 90 days after receiving a verification under this subsection, the Attorney General shall issue a written determination, with respect to approving the verification with respect to the authorization for which the Bell operating company has applied. If the Attorney General fails to issue such determination in the 90-day period beginning on the date the Attorney General receives such verification, the Attorney General shall be deemed to have issued a determination approving such verification on the last day of such period.

''(E) STANDARD FOR DECISION.—The Attorney General shall approve such verification unless the Attorney General finds there is a dangerous probability that such company or its affiliates would successfully use market power to substantially impede competition in the market such company seeks to enter.

''(F) PUBLICATION.—Not later than 10 days after issuing a determination under subparagraph (E), the Attorney General shall publish a brief description of the determination in the Federal Register.

''(G) FINALITY.—A determination made under subparagraph (E) shall be final unless a petition with respect to such determination is timely filed under subparagraph (H).

''(H) JUDICIAL REVIEW.—

''(i) FILING OF PETITION.—Not later than 30 days after a determination by the Attorney General is published under subparagraph (F), the Bell operating company that submitted the verification, or any person who would be injured in its business or property as a result of the determination regarding such company's engaging in provision of interLATA services, may file a petition for judicial review of the determination in the United States Court of Appeals for the District of Columbia Circuit. The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction to review determinations made under this paragraph.

''(ii) CERTIFICATION OF RECORD.—As part of the answer to the petition, the Attorney General shall file in such court a certified copy of the record upon which the determination is based.

''(iii) CONSOLIDATION OF PETITIONS.—The court shall consolidate for judicial review all petitions filed under this subparagraph with respect to the verification.

''(iv) JUDGMENT.—The court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code. The determination required by subparagraph (E) shall be affirmed by the court only if the court finds that the record certified pursuant to clause (ii) provides substantial evidence for that determination.''

Page 29, line 8, insert ''and the Attorney General's'' after ''the Commission's''.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 0930

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes, and a Member in opposition to the amendment is recognized for 15 minutes.

Mr. BLILEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I began this discussion on an amendment to reinstate the Department of Justice's traditional review role when considering Bell entry into new lines of business by congratulating the chairman of the full committee, the gentleman from Illinois [Mr. HYDE]. In the committee bill that the Committee on the Judiciary reported, we were able to come together and bring forward an amendment exactly like the one that is now being brought forward.

I appreciate the chairman's role in this matter.

The amendment is identical to the test approved by the Committee on the Judiciary, as I have said earlier this year, on a bipartisan basis. Everyone on the committee, with the exception of one vote, supported our amendment. It was named the Hyde-Conyers amendment. It received wide support, and I hope we continue to do that.

It provides simply that the Justice Department disapprove any Bell request to enter long-distance business as long as there is a dangerous probability that such entry will substantially impede competition.

Point No. 1: This amendment on the Department of Justice role is more modest than the same provision for a Department of Justice role in the Brooks-Dingell bill that passed the House on suspension by 430 to 5 last year. So, my colleagues, we are not starting new ground. This is not anything different. It has received wide scrutiny and wide support. It is a matter that should not be in contention and should never have been omitted from either bill and certainly not the manager's amendment.

The Justice Department is the principal Government agency responsible for antitrust enforcement. Please understand that the 1984 consent decree has given the Department of Justice decades of expertise in telecommunications issues. By contrast, the FCC has no antitrust background whatsoever.

Remember, we are taking the court completely out of the picture. So what we have is no more court reviews or waivers. We have a total deregulation of the business. Unless we put this amendment in, we will not have a modest antitrust responsibility in this huge, complex circumstance.

Given this state of facts, it makes unquestionable sense to allow the antitrust division to continue to safeguard competition and preserve jobs. For the last 10 years the Justice Department has done an excellent job in keeping local prices, which have gone up, and long-distance rates, which have gone down.

The amendment I'm offering will reinstate the Department of Justice's traditional review role when considering Bell entry into new lines of business. The amendment is identical to the test approved by the Judiciary Committee earlier this year on a bipartisan 29 to 1 basis. It provides that the Justice Department must disapprove a Bell request to enter the long-distance business so long as there is a dangerous probability that such entry will substantially impede competition.

This should not even be a point of contention. The Justice Department is the principal Government agency responsible for antitrust enforcement. Its role in the 1984 AT&T consent decree has given it decades of expertise in telecommunications issues. The FCC by contrast has no antitrust background whatsoever. Many in this body have slated the FCC for extinction or significant downsizing.

Given this state of facts it makes unquestionable sense to allow the Antitrust Division to continue to safeguard competition and preserve jobs. For the last 10 years the Justice Department has been given an independent role in reviewing Bell entry into new lines of business, and the result has been a 70-percent reduction in long-distance prices and an explosion in innovation.

At a time when the Bells continue to control 99 percent of the local exchange market, I, for one, think we should have the Antitrust Division continue in this role. Don't be fooled by the FCC checklist—the Bells could meet every single item on that list and still maintain monopoly control of the local exchange market.

Last Congress this body approved—by an overwhelming 430 to 5 vote—a bill which provided the Justice Department with a far stronger review than my amendment does. It's no secret that I would have preferred to see this same review role given to the Justice Department this Congress. However, in the spirit of bipartisan compromise I agreed to a more lenient review role with Chairman HYDE when the Judiciary Committee considered telecommunications legislation. I was shocked when this very reasonable compromise test

was completely ignored when the two committees sought to reconcile their legislation.

Finally, I would note that the amendment has been revised to clarify that any determinations made by the Attorney General are fully subject to judicial review. It was never my intent to deny the Bells or any other party the right to appeal any adverse determination, so to accomplish this purpose I have borrowed the precise language from the Judiciary bill.

I urge the Members to vote for this amendment which gives a real role to the Justice Department and goes a long way toward safeguarding a truly competitive telecommunications marketplace. In an industry that represents 15 percent of our economy, we owe it to our constituents to do everything possible to make sure we do not return to the days of monopoly abuses.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself 1 minute.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The core principle behind H.R. 1555 is that Congress and not the Federal court judge should set telecommunications policy. This is one of the few issues that seems to have universal agreement, that Congress should reassert its proper role in setting national communications policy.

My colleagues, last November the citizens of this country said, loud and clear, we want less Government, less regulation. Getting a decision out of two Federal agencies is certainly a lot harder than getting it out of one. For that reason alone, this amendment ought to be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT], a member of the committee.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, the gentleman from Michigan [Mr. CONYERS] made a very important point a moment ago when he pointed out that last year when we passed the bill by an enormous margin, we had a stronger Justice Department provision in the bill than we do, than even the Conyers amendment today would be.

The House has adopted the manager's amendment over our strong objections, but for goodness sakes consider the fact that, while the gentleman from Virginia [Mr. BLILEY] makes the point that we have decided that Congress shall make the decision with regard to communications law rather than the courts, Congress cannot make the decisions with regard to every single case out there.

As is the case throughout antitrust law, all we are saying with the Conyers amendment is that the Justice Department ought to be able to render a judgment on whether or not entry into this line of business by one of the Bell companies is going to impede competition rather than advance it.

Now, what motive would the Justice Department have to do anything other than their best in this matter? They have done a fine job in this area now for many, many years. The Conyers amendment would just come along and say, we are going to continue to have them exercise some judgment.

What we had in the bill before was that when there is no dangerous probability that a company who is trying to enter one of these lines of business or its affiliates would successfully use its market power and the Bell companies have enormous market power, to substantially impede competition, and the Attorney General finds that to be the case, there will be no problem with going forward.

When they find otherwise, there will be a problem with going forward, and we want there to be a problem with going forward. For goodness sakes, we know that the developments with regard to competition in the last 12 years are a result of a court, a sanction agreement, supervised by a judge. I do not know that that is the best process, but the fact of the matter is we allowed competition where it did not exist before.

Why would we now come along and take steps that would move us in the direction of impeding competition or essentially impeding competition? Give the Justice Department the right to look at it as they look at so many other antitrust matters. The President has asked for it. I think clearly we asked for it a year ago.

Let us keep with that principle.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, there are three things wrong with this amendment. The first is the agency which will be administering it, the Justice Department. The Justice Department is in good part responsible for the unfair situation which this country confronts in telecommunications. The Justice Department and a gaggle of AT&T lawyers have been administering pricing and all other matters relative to telecommunications by both the Baby Bells and by AT&T. So if there are things that are wrong now, it is Justice which has presided.

The second reason is that if we add the Justice Department to a sound and sensible regulatory system, it will create a set of circumstances under which it will become totally impossible to have expeditious and speedy decisions of matters of importance and concern to the American people.

The decisions that need to be made to move our telecommunications policy forward can simply not be made where you have a two-headed hydra trying to address the telecommunications problems of this country.

Now, the third reason: I want Members to take a careful look at the graph I have before me. It has been said that a B–52 is a group of airplane parts flying in very close formation. The amendment now before us would set up a B–52 of regulation. If Members look, they will find that those in the most limited income bracket will face a rate structure which is accurately represented here. It shows how long-distance prices have moved for people who are not able to qualify for some of the special goody-goody plans, not the people in the more upper income brackets who qualify for receiving special treatment.

This shows how AT&T, Sprint and MCI rates have flown together. They have flown as closely together as do the parts of a B–52. Note when AT&T goes down, Sprint and MCI go down. When MCI or AT&T go up, the other companies all go up. They fly so closely together that you cannot discern any difference.

This will tell anyone who studies rates and competition that there is no competition in the long distance market. What is causing the vast objection from AT&T, MCI and Sprint is the fact that they want to continue this cozy undertaking without any competition from the Baby Bells or from anybody else.

If Members want competition, the way to get it is to vote against the Conyers amendment. If you do not want it and you want this kind of outrage continuing, then I urge you to vote for the amendment offered by the gentleman from Michigan [Mr. CONYERS] who is my good friend.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I say to my very dear colleague and the dean of the Michigan delegation, that ain't what he said when the Brooks-Dingell bill came up only last year, and he had a tougher provision with the Department of Justice handling this important matter.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN], a very able member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Everything that my friend from Michigan [Mr. DINGELL] said about the question of competition can be assumed to be true, and none of it would cause Members to vote against the Conyers amendment. Because I do not think we should put artificial restrictions on the ability of the Bell companies to go into long distance, I supported the manager's amendment because it got rid of a test that made it virtually impossible for them to ever enter that competition.

Now the only question is whether the Justice Department, that had the foresight starting under Gerald Ford, finishing under Ronald Reagan, to break

up the Bell monopolies, should be allowed to have a meaningful role, a role defined by a test which is so restrictive that it says, unless, unless the burden supports, the assumption is with the Bell companies. It says unless the Attorney General finds that there is a dangerous probability that such company or its affiliates would successfully use market power to substantially impede competition in the market such company seeks to enter, it is an extremely rigorous test that must be met to stop them from entering the market. But it gives the division that has been historically empowered to decide whether there is anticompetitive practices a role in deciding whether or not that entry will impede competition.

This place voted last year by an overwhelming vote for a test that was far more rigorous, a test that said that they could not enter unless we found there was no substantial possibility that they could use monopoly power to impede competition. Do not overreach, the proponents of Bell entry into long distance, do not over reach. Do not shut the Justice Department out from an historic role that they have had, that they should have, to look at whether or not there is a high probability that they will cause, they will exercise monopoly power.

Support the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I want to congratulate the gentleman from Michigan for reviving the judiciary bill which did pass our committee 29 to 1, because it does go a long way toward establishing or reestablishing a principle that I believe in; namely, that antitrust laws should be reviewed and administered by that department of government specifically designed to do that, and that is the Department of Justice.

□ 0945

When a Baby Bell enters into manufacturing or into long distance, antitrust questions are brought into play. The Department of Justice, it seems to me, is the appropriate agency to oversee that transition and analyze the competitive implications.

Once the bills are in these new lines of business and operating, it becomes a regulatory proposition and then oversight by the Federal Communications Commission is appropriate.

Mr. Chairman, what the gentleman from Michigan [Mr. CONYERS] has done is to propose a more meaningful role for the Department of Justice, which is what the Judiciary Committee wanted to do. But the problem is, that DOJ comes in at the tail end of the regulatory process. It becomes a double hurdle for a Baby Bell trying to get into manufacturing or long distance. It is not the same quick, clean expedited process that we had in our legislation (H.R. 1528).

So, it adds additional hurdles for a company, a Bell company seeking to get into manufacturing or long distance. It will add considerably to the amount of time that is consumed. A Bell company can make all of the right moves and do everything it wants, and then at the end of the process be shot down by the Department of Justice.

Mr. Chairman, I had proposed and preferred a dual-track, dual-agency situation where options could be chosen by the Bells to get into these new businesses, but that is not to be.

Having said what I have just said, I do approve and appreciate the fact that a more expansive role is proposed to the Department of Justice in dealing with these important antitrust issues. After all, it is an antitrust decree that we are modifying, the modified final judgment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER], ranking minority member of the Committee on the Judiciary.

Mrs. SCHROEDER. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Michigan [Mr. CONYERS]. What we are doing here is we are getting ready to unleash these huge, huge economic forces. They are huge.

The Justice Department, I wish it were much stronger, to be perfectly honest. Last year, the bill that people voted for had this type of language in it. It is an independent agency. It is not the FCC.

Mr. Chairman, it seems to me that if we are getting ready to unleash these huge forces on the American consumer, we ought to want some watchdog, some watchdog out there someplace.

Granted, we want competition, but what we may end up with is one guy owning everything. If my colleagues want the Justice Department for heaven's sakes, vote ''yes.''

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, the most difficult issue in this bill has been how the local loop is opened to competition. No question, that is where the focus of the controversy has been. It is a delicate question.

Mr. Chairman, what we have attempted to do is to open this in a sensible and fair way to all competitors. Consequently, we created a checklist on how that loop is opened. We have the involvement of the State public utility commissions in every State in that particular question. We have reviews by the Federal Communications Commission that the loop is open. Consequently, there is no need to give the Department of Justice a role in the opening of that loop.

We have worked with our good friends on the Committee on the Judiciary coming up with a consultative role for the Justice Department. It was never envisioned by Judge Greene in the modified final judgment that Justice would have a permanent role and this is the time we made the break. This is the time we move this telecommunications industry into the 21st century.

Mr. Chairman, a sixth of our economy is involved in this particular industry. Central to opening up telecommunications to competition is to open the loop correctly and as quickly as possible, because in opening the loop and creating competition, we have more services, we have newer technologies, and we have these at lower costs to the consumer. That is a desired result and that is something that we have worked for this particular bill.

Mr. Chairman, that is why we have spent so much time on how this loop is opened and there is no need for Justice to have an expanded role.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on the Judiciary from the other side of the aisle.

Mr. SCHIFF. Mr. Chairman, I want to make it clear, first, that I agree completely with the direction of the bill. I voted in favor of the manager's amendment of the gentleman from Virginia [Mr. BLILEY], because I think we want to go from the courts, the Congress, and ultimately get Congress out of this and let companies compete.

Mr. Chairman, I think the future is one of companies that compete in different areas simultaneously. Each company will offer telephone services, entertainment services, and so forth. But we must remember that this whole matter has arised from an antitrust situation. Even though we want all companies, including the regional Bells, to participate in all aspects of business enterprise, the fact of the matter is that there is still basically a control of the local telephone market.

For that reason, Mr. Chairman, for a period of time, the Department of Justice should have a specific identifiable role in this bill. That is why I urge my fellow Members of the House to support the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I am not a member of the Committee on the Judiciary, but I am interested in its findings.

Mr. Chairman, H.R. 1555 assigns to the FCC the regulatory functions to ensure that the Bell companies have complied with all of the conditions that we have imposed on their entry into long distance. This bill requires the Bell companies to interconnect with their competitors and to provide them the features, functions and capabilities of the Bell companies' networks that the new entrants need to compete.

The bill also contains other checks and balances to ensure that competition occurs in local and long distance growth. The Justice Department still has the role that was granted to it under the Sherman and Clayton Acts, and other antitrust laws. Their role is to enforce the antitrust laws and ensure that all companies comply with the requirements of the bill.

The Department of Justice enforces the antitrust laws of this country. It is a role that they have performed well. The Department of Justice is not, and should not be, a regulating agency. It is an enforcement agency.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA], a very able member of the Committee on the Judiciary.

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Chairman, let us not forget that the Ma Bell operating company, AT&T was broken up because the company used its control of local telephone companies to frustrate long-distance competition. It was the Justice Department that pursued the case against AT&T, through Republican and Democratic administrations, to stop those abuses.

Mr. Chairman, the standard that is in the Conyers amendment, which is the standard adopted and passed by the Committee on the Judiciary, Republican and Democrats, except for 1 member voting for it, is the standard that we are trying to get included now. It is a standard that is softer than the standard that was passed by 430 to 5 last year by this same House.

It is a standard that is softened for the regional operating companies to be able to pursue and it is a very rigorous standard that the Justice Department must meet in order to be able to stop a local company from coming in.

Mr. Chairman, let us not forget that the Republican Congress is trying to eliminate the FCC, and now they are asking the FCC to be the watchdog for consumers in this area. We should have a safety net for consumers and ratepayers.

Vote for the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Roanoke, VA [Mr. GOODLATTE], a member of the Committee on the Judiciary.

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to the Conyers amendment.

Mr. Chairman, when Congress acts to end the current judicial consent decree management of the telecommunications industry, the Department of Justice should not simply take over. H.R. 1555 preserves all of the Department of Justice's antitrust powers. I agree with the chairman of my committee that when there are antitrust violations, the Department of Justice should step in.

Mr. Chairman, the Conyers amendment would dramatically increase the Department's statutory authority to regulate the telecommunications industry, a role for which the Department of Justice was never intended.

Currently, the Federal Communications Commission and the public service commissions in all 50 States and the District of Columbia regulate the telecommunications industry to protect consumers.

This combination of Federal and State regulatory oversight is effective and will continue unabated under both the House and the Senate legislation. There is no reason why two Federal entities, the Federal Communications Commission and the Department of Justice, should have independent authority in this area once Congress has set a clear policy.

The Department of Justice seeks to assume for itself the role currently performed by Judge Greene. The Department, in effect, wants to keep on doing things the way they are, but they are going to replace Judge Greene with themselves.

Mr. Chairman, I voted for the separate standard for the Department of Justice in the Committee on the Judiciary, but that was presuming, as the chairman of the committee informed us, it would be the sole separate standard. Now, they are seeking to impose that standard on top of the authority provided to the Federal Communications Commission in the bill.

All of the tests, one after the other, that the FCC will require, will have to be met and then a dual review will be imposed where the Department of Justice will step in at the end.

Mr. Chairman, I urge opposition to the amendment and support for the bill.

Mr. Chairman, I include the following for the RECORD.

STATEMENT OF REPRESENTATIVE GOODLATTE ON H.R. 1555, AUGUST 2, 1995

Mr. Chairman, I rise in support of H.R. 1555.

Mr. Chairman, I want to thank Chairmen HYDE, BLILEY and FIELDS for their able leadership in bringing this important legislation to the House floor. The American people will benefit from the increased availability of communications services, increased number of jobs, and a strengthened global competitiveness from this bill.

Throughout the debate on this legislation, I have aimed at bringing these benefits to Americans as soon as possible. I continue to believe that this goal can best be achieved by lifting all government-imposed entry restrictions in all telecommunications markets at the same time. Whether they are State laws that pervent cable companies or long distance companies from competing in the local exchange or the AT&T consent decree that prevents the Bell companies from competing in the long distance market, these artificial government-imposed restraints all inhibit the development of real competition.

Under this legislation, State laws that today prevent local competition will be lifted. Upon enactment, the local telephone exchange will be legally opened for any competitor to enter.

But the bill does not stop here and merely trust to fate. It goes further. It requires the Bell companies and other local exchange carriers such as GTE and Sprint-United to unbundle their networks and to resell to competitors the unbundled elements, features, functions, and capabilities that those new entrants need to compete in the local market. It also requires State commissions and the FCC to verify that the local carriers meet these obligations.

It gives new entrants the incentive to build their own local facilities-based networks, rather than simply repackaging and reselling the local services of the local telephone company. This is important if the information superhighway is to be truly competitive.

The bill also contains cross checks to ensure either that facilities-based competition is present in the local exchange or that the Bell companies have done all that the bill requires of them before they will be permitted to offer interLATA services and to manufacture. This is a strong incentive for them to comply with the requirements of this legislation.

It will take time for the Bell companies to satisfy all of the conditions in the bill. This built-in delay will provide the long distance and cable companies a head start into the local exchange.

The bill recognizes that there are several significant problems with such a government-mandated head start. And, it deals with those issues. While the bill does not create the simultaneity of entry that the Bell companies have requested, it also does not impose the artificial delay sought by the long distance companies.

This bill achieves a sound public policy. First, it gets the conditions right. Second, it requires verification that the conditions have been met. Third, it assures that they have begun to work. Then, fourth, it lets full competition flourish by lifting the remaining restrictions on the Bell companies.

You don't have to take my word on the soundness of this approach. None other than the Department of Justice advocated it 8 years ago.

As a member of the Judiciary Committee, I have been following this particular matter for several years. In 1987 the Department filed its first and only Triennial Review with the Decree Court. It recommended that if a Bell company shows that an area in its region is free of regulatory barriers to competition, then the interLATA restrictions should be lifted, even if—the Department noted—a residual core of local exchange services remains a natural monopoly at that time. That is, when there are no restrictions on either facilities-based intraLATA competition or on resale of Bell company services, interLATA relief should be granted.

The Department acknowledged that, with the removal of entry barriers and the requirement for resale of local exchange services, a majority of customers would likely stay with local exchange carriers and some areas of local exchange might remain natural monopolies. Nevertheless, it believed that the potential for discrimination would be significantly reduced because of (1) increased alternatives, especially for higher volume customers, and (2) increased need for Bell companies to interconnect with private networks.

Bell companies, according to the Department, immediately would be subject to substantial competitive pressures. The threat or possibility of competition would be sufficient that the residual risk posed by the Bell companies could be contained effectively through regulatory controls, according to the DOJ.

Noting that competition will reduce intraLATA toll and private line rates, the Department correctly concluded that only basic local exchange service and residential

exchange access would remain as services capable of being inflated to cover misallocated costs of competitive activities. Indeed, intraLATA toll competition has been and is allowed in virtually every state and has already significantly eroded the Bell companies' market share of these services. Moreover, competition in the exchange access market also has grown significantly as the successes of companies like Teleport and MFS attest.

And, some very powerful and well-financed companies have targeted the local telephone market for competition. Companies like MCI are investing in local networks. So are cable companies that already have strong local presences. Significantly, AT&T has spent billions to move back into local telephony through its acquisition of McCraw Cellular and its success in bidding on PCS licenses.

As the Department prognosticated, this leaves only local services as a potential source of subsidy. However, as it also correctly recognized, basic local exchange and residential services are a very unlikely source of subsidy.

Those rates have been and are currently subsidized by other rates (i.e., residential rates are below costs and therefore cannot subsidize other services). And, they are beyond the unilateral power of the Bell companies to raise.

State regulators have clearly demonstrated over the years that they are unwilling to let basic residential charge rise. It is important to note that this bill preserves the State's ability to prevent the Bell companies from raising local exchange rates.

The bill also prevents interconnection rates from being the source of subsidy as it requires those rates to be just and reasonable before the Bell companies get intraLATA relief. It eliminates the Bell companies' ability to use their local exchange networks in a discriminatory fashion to impede their competitors.

This legislation achieves the conditions that DOJ set forth eight years ago, and in my view goes even further by requiring regulatory verifications before the Bell companies are actually relieved of the intraLATA restriction. First, upon enactment, it lifts all state and local laws that have previously barred cable and long distance companies from competing in the local exchange services market. In other words, it will ensure that there are no legal barriers to facilities-based competition.

Second, it not only requires the Bell companies to resell their local services, but it also identifies the elements, features, functions and capabilities that the Bell companies and other local exchange carriers will have to unbundle for their competitors. Although AT&T was required to resell its long distance services to its competitors in order to spur long distance competition, it was not required to make new services for its competitors through unbundling. Moreover, the bill's requirements on unbundling and resale are far more detailed and precise and therefore more enforceable by the commission, courts and competitors than the Department's general resale condition.

In the final analysis, Mr. Chairman, I support this bill because it strikes a balance that will bring competition in cable and telephony to the American people. It may not come as soon as some want or, indeed, as soon as I want, but it won't be delayed as long as others desire.

I am comforted as well that I do not have to take all of this on blind faith. I believe that the FCC and the State commissions will make sure the competition rolls out quickly and fairly and that local rate payers will not foot the bill. I am also sure that the Department of Justice is fully capable under this legislation of not only monitoring these developments but of playing an active role in the continued enforcement of the antitrust laws to shape the most robustly competitive telecommunications market in the world.

The American people deserve nothing less. We should not disappoint them. We should delay no further.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. LOFGREN], a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, like many of my colleagues, I have heard from Baby Bells, long-distance carriers, until I am really tired of hearing from them. What I have done is call Silicon Valley, who basically does not care about the Bells or the long-distance carriers. They do care about competition.

Mr. Chairman, the advice I have gotten is that there should be a little role for the Department of Justice. I realize that there are some on the Democratic side of the aisle, including the White House, who feel that this measure is way too weak; that we should have a much bigger role. Honestly I disagree with them.

Mr. Chairman, I think the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] got it exactly right. A very high threshold, a 180-day turnaround, and a break in case things do not turn out the way we hope.

Mr. Chairman, I urge support of the amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN], a member of the Committee on Commerce.

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Chairman, I have with me a small chart that shows the result of judge-made law when it comes to telecommunications. What we just debated on the manager's amendment was to end the system of the LATA lines, the lines on the map drawn by the judge regulating communications policy in America.

Mr. Chairman, this is one of those LATA lines, a line of restriction of competition. This line runs through Louisiana, through one of my parishes in Louisiana, separating the town of Hornbeck and Leesville.

Mr. Chairman, they are in the same parish. The school board in that parish, in order to communicate from one office to the other, has to buy a line that runs from Shreveport to Lafayette back to Leesville at a cost per year of $43,000 more than they would have to pay if they could simply call 16 miles across these two communities.

Mr. Chairman, the court-ordered line has cost that school board $43,000. This is the kind of court-made law we avoid in this bill. Let us not give it back to the Justice Department. Let us write communications law in this Chamber.

□ 1000

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I would really like to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] for their leadership and for their bipartisan approach to this amendment. I think that we should not be looking at the long-distance providers on one side and the regional Bells on the other side.

Really, what the input of the Committee on the Judiciary in this amendment is, is to simply go right down the middle in dealing with competition, by enhancing the opportunity for competition. In fact, unlike my colleagues who have opposed it, this is not a override. This equates to the Department of Justice and the FCC working together and complementing each other.

Mr. Chairman, what it says is, there will not be a limitation, there will not be a prohibition of the Antitrust Division of the DOJ from reviewing for acts that impede competition. The FCC and DOJ will work together, and the dual responsibility will not hinder the other. The DOJ will not delay the regional Bell's entry into other markets, for there is a time frame in which they must respond; and the courts are not there to inhibit, but are there to give the opportunity for any judicial review that either party to access. This is a fair amendment.

I believe that we must get away from who said what in this debate, and focus on competition for the consumers. Let us make this a better bill and support this amendment, Mr. Chairman.

I must rise in support of a strong role of the Justice Department to help ensure that the telecommunications industry is truly competitive. The telecommunications industry is a critically important industry as we enter the 21st century. The Conyers amendment provides a reasonable role for the Justice Department to determine whether competition exists in the telecommunications markets. The Justice Department, through its Anti-trust Division, has considerable experience in carrying out this important function. The Justice Department needs and deserves more than a consultative role that is envisioned in the manager's amendment to H.R. 1555.

The standard of review proposed in this amendment is a medium standard that allows the Justice Department to prohibit local telephone companies from entering long-distance services or manufacturing equipment if ''there is a dangerous probability that the Bell company or its affiliates would successfully use market power to substantially impede competition'' in the market. The amendment also provides the right to judicial review. This standard was overwhelmingly approved in the

House Judiciary Committee by a vote of 29 to 1. Let us ensure competition by supporting this amendment. The Conyers amendment will help the regional Bells, the long-distance providers, and most of all, our consuming public.

Mr. BLILEY. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS], who has followed this matter with great interest.

Ms. WATERS. Mr. Chairman, I rise in support of the Conyers amendment. Just once this year, we should do something that protects consumers; this amendment would accomplish that purpose.

Mr. Chairman, we are entering a brave new world in telecommunications law. In theory, the deregulatory provisions contained in this legislation will unleash a new era of competition between local and long-distance carriers, as well as between the telecommunications and cable industries.

However, free market competition is predicated on nonmonopolistic power relationships between competing firms. The Conyers amendment would ensure that local telephone companies would not impede competition through monopoly behavior.

The Conyers compromise language would perfect language currently in the bill. It would preserve the Justice Department's traditional role as the primary enforcer of antitrust statutes. It would do so alongside, not in conflict with, the regulatory responsibilities of the FCC.

Mr. Chairman, this bill is an experiment. No one knows for sure what the outcome will be as we enter the 21st century telecommunications world. I ask for an ''aye'' vote.

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I thank the gentleman and rise in support of the Conyers amendment.

This amendment will protect consumers of the long-distance market from potential anticompetitive conduct by Bell companies which currently monopolize local telephone service, but without the consuming bureaucratic requirements unfairly tying up the Bell companies. An active Department of Justice role will not delay a Bell entry into the market because the Justice Department would be required to reach its decision within 3 months.

Because the Conyers amendment is a balanced amendment designed to protect America's consumers from the dangers of anticompetitive conduct, Mr. Chairman, I urge my colleagues to vote ''yes'' on the Conyers amendment. It is in the best interest of the consumer.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Conyers amendment to referee the gigantic money interests who have their hands in the pockets of the American people.

There has been enough money spent on lobbying this bill to sink a battleship.

I wish to insert in the RECORD a partial list of what over $40 million in lobbying contributions has bought. I leave it to the American people to make their own judgments. This bill is living proof of what unlimited money can do to buy influence and the Congress of the United States.

POLITICAL CONTRIBUTIONS BY REGIONAL BELL OPERATING COMPANIES [RBOC] HARD MONEY PAC CONTRIBUTIONS TO MEMBERS OF CONGRESS YEAR TO DATE 1995 [1]

	Democrats	Republicans
Ameritech	38,950	113,588
Bell Atlantic	2,100	12,466
Pacific Telesis	10,500	27,949
Southwestern Bell	29,600	48,200
Partial total YTD	78,150	202,203

[1] Several of the RBOC's have chosen to report their contributions less frequently than once a month, as the law allows. Figures are not available for Bellsouth, NYNEX, or U.S. West.

POLITICAL CONTRIBUTIONS BY REGIONAL BELL OPERATING COMPANIES [RBOC] SOFT MONEY FIRST QUARTER 1995

Name	Democratic	Republican
Ameritech	250	0
Bell Atlantic	3,000	25,000
BellSouth	0	15,000
Nynex	20,000	25,000
Southwestern Bell	0	0
Pacific Telesis	250	22,000
US West	0	15,000
Total	23,500	122,000

[Excerpts from Common Cause newsletter, June 5, 1995]

''ROBBER BARONS OF THE '90s''

Telecommunications industries, which stand to gain billions of dollars from the congressional overhaul of telecommunications policy, have used $39,557,588 in political contributions during the past decade to aid their fight for less regulation and greater profits, according to a Common Cause study released today.

The four major telecommunications industries involved in this legislative battle—local telephone services, long distance service providers, broadcasters and cable interests—contributed $30.9 million in political action committee (PAC) funds to congressional candidates, and $8.6 million in soft money to Democratic and Republican national party committees, during the period January 1985 through December 1994, the Common Cause study found.

Top telecommunications industry PAC and soft money contributors, 1985–1994

AT&T	$6,523,445
BellSouth Corp	2,928,673
GTE Corp	2,899,056
Natl Cable Television Assn	2,211,214
Ameritech Corp	1,936,899
Pacific Telesis	1,742,512
US West	1,666,920
Natl Assn Of Broadcasters	1,629,988
Bell Atlantic	1,559,011
Sprint	1,531,596

''A strong case can be made that the war over telecommunications reform has done more to line the pockets of lobbyist and lawmakers than any other issue in the past decade.''—Kirk Victor, National Journal

Among the key findings of the Common Cause study:

Local telephone services made $17.3 million in political contributions during the past decade. Long distance providers gave $9.5 million in political contributions; cable television interests gave $8 million; and broadcasters gave $4.7 million.

The biggest single telecommunications industry donation came from Tele-Communications Inc, the country's biggest cable company. The company gave a $200,000 soft money contribution to the Republican National Committee five days before the last November's elections.

Telecommunication PACs were especially generous to members of two key committees that recently passed bills to rewrite telecommunication regulations. House Commerce Committee members received, on average, more than $65,000 each from telecommunications PACs; Senate Commerce Committee members received, on average, more than $107,000 each.

Two-thirds of House freshmen received PAC contributions from telecommunications interests immediately following their November election wins. Between November 9 and December 31, 1994, telecommunications PACs gave new Representatives-elect a total $115,500.

In January, top executives of telecommunications companies that gave a total $23.5 million in political contributions during the past decade were invited to closed-door meetings with Republican members of the House Commerce Committee. Consumer and rate-payer groups—who were not major political donors—were not invited to the special meetings.

Lobbyists for the telecommunications industry represent a wide array of Washington insiders. For example, former Reagan and Bush Administration officials represent long distance providers, while a former Clinton official represents local telephone interests. Lobbying on behalf of broadcast interests are former aids to both Republican and Democratic Members of Congress.

In addition to their political contributions during the past decade, telecommunications interests contributed $221,000 in soft money to the Republican National Committee during the first three months of 1995. (Democratic National Committee soft money information for the first six months of 1995 will be available in July.)

HOUSE COMMERCE COMMITTEE MEMBERS RECEIVE ON AVERAGE $65,000 EACH FROM TELECOM PACS—DOUBLE THE HOUSE AVERAGE

Telecommunications industry lobbyists ''have seldom met more receptive lawmakers,'' than the members of the House Commerce Committee.—The New York Times

Telecommunications industry Pacs gave a total $6,676,147 in contributions to current Senators during the past decade, an average $66,761 per Senator, according to the Common Cause study.

SENATE COMMERCE COMMITTEE MEMBERS RECEIVE ON AVERAGE $107,000 EACH FROM TELECOM PACS

The Common Cause study found that members of the Senate Commerce, Science and Transportation Committee received nearly twice as much PAC money on average from telecommunications interests during the past decade as other Senators—an average of $107,730 compared to $57,152 received by Senators not on the committee.

''ROBBER BARONS OF THE '90S''

''By and large, the public is not represented by the lawyers and the lobbyists in Washington. The few public advocates are overwhelmed financially. It's all very fine to say that you are in favor of competition. I am. The Administration is. Congress is. But competition won't give you everything the country needs from communications companies. We've got to be able to stand up to

business on certain occasions and say, 'It's not just about competition, it's about the public interest.'"—Reed Hundt, Federal Communications Commission Chair as quoted in The New Yorker

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Miss COLLINS].

(Miss COLLINS of Michigan asked and was given permission to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Chairman, I rise in strong support of the Conyers amendment and urge my colleagues to adopt it.

Many have argued during this debate that we must deregulate the telecommunications industry, and by eliminating any role for the Department of Justice in determining Regional Bell operating company entry into long distance, we are working toward and goal. Well I think you are making a terrible mistake if you confuse forbidding the proper anti-trust role of the Department of Justice with deregulation.

The Republicans in this body should recall it was under the Reagan administration that the Department of Justice broke up the Bell system over a decade ago. That decision has been an undisputed success. Without the role played by the Department of Justice, consumers would still be renting large rotary black phones and paying too much for long distance services. The Department of Justice actions promoted competition, not regulation.

Without the Department of Justice role, we can expect those communication's attorneys to be in court, fighting endless anti-trust battles. The role we give the Department of Justice in this amendment will make it less likely that we will end up back in court, and the Department will ensure that anti-trust violations would be minimal, prior to the decision granting a Bell operating company the ability to offer long distance service.

Calling this amendment regulatory, is doing a disservice to the potential for true deregulation—which is full competition in all markets. The structure provided by the Department of Justice ensures that the markets will develop quickly, and with less litigation.

Mr. Chairman, I urge my colleagues to support this amendment. I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. HINCHEY].

(Mr. HINCHEY asked and was given permission to revise and extend his remarks.)

Mr. HINCHEY. Mr. Chairman, this bill has been described as a clash between the super rich and the super wealthy. That Is unquestionably true, but in the clash of these titans, the question is, who stands for the American public?

The answer to that question is, without the Conyers amendment, no one. The American people stand naked before the potential excesses of these giants unless we have some protection from them offered by the Justice Department.

There is an incredibly high standard in this bill, Mr. Chairman. There must be a dangerous probability of substantially impeding justice before the Justice Department comes in. Let us pass the Conyers amendment and protect the American people.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding the time.

The FCC is essentially the agency that would be able to consult with the Department of Justice under the manager's mark that we passed this morning. But when we talk about going from a monopoly industry, which telecom was after 1934, to a competition-based industry, the competition agency, those who keep the rule, those who decide if there is a dangerous probability, if those gigantic billionaires players are being fair, is the Department of Justice.

Mr. Chairman, I simply say that the Conyers amendment makes sure that fairness is done, that the referee is in place. I urge my colleagues to support the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. OXLEY] for purposes of closing the debate on our side.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I rise in opposition to the Conyers amendment. This bill in all of its forms does not repeal the Sherman Act. We have had the Sherman Act for over 100 years.

It does not repeal the Clayton Act passed in 1914. Anticompetitive behavior will be reviewed by the Justice Department, whether it is the telecommunications industry or whether it is the trucking industry or any other kind of industry that we are talking about. The Justice Department is not going away.

What we are trying to do, Mr. Chairman, or what the Conyers amendment seeks to do, is basically replace one court with another, except a different standard.

This amendment guts the underlying concept of this bill, which is pure competition, and the idea to get Congress back into the decisionmaking process. How long do we have to have telecommunications policy made by an unelected Federal judge who has no accountability to anyone; when are we going to get back to providing the kind of responsible decisionmaking that we are elected to do?

Mr. Chairman, I suggest to my colleagues that the underlying bill provides that kind of ability and accountability for the duly elected representatives of the people.

This amendment creates needless bureaucracy by having not one, but two Federal agencies review the issue of Bell Co. entry into long distance. The purpose of this legislation is to create conditions for a competitive market and get the heavy hand of Government regulation out of the way. This Conyers amendment is inconsistent with that purpose.

Mr. Chairman, this is a huge opportunity to provide competitive forces in the marketplace away from Government. If we believe that competition and not bureaucracy is the answer to modernizing our telecommunications policy, to providing more choice in the marketplace, to providing lower prices, to making America the most competitive telecommunications industry in the entire world, we will vote against the Conyers amendment and support the underlying bill.

Mr. Chairman, I ask my colleagues to join me in opposition to the Conyers amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS], as modified.

The question was taken; and the chairman announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. CONYERS], as modified, will be postponed until after the vote on amendment 2–4 to be offered by the gentleman from Massachusetts [Mr. MARKEY].

It is now in order to consider the amendment, No. 2–3, printed in part 2 of House Report 104–223.

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA

Mr. COX of California. Mr. Chairman, I offer an amendment numbered 2–3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 2–3 offered by Mr. COX of California:'

Page 78, before line 18, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 104. ONLINE FAMILY EMPOWERMENT.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. PROTECTION FOR PRIVATE BLOCKING AND SCREENING OF OFFENSIVE MATERIAL; FCC REGULATION OF COMPUTER SERVICES PROHIBITED.

"(a) FINDINGS.—The Congress finds the following:

"(1) The rapidly developing array of Internet and other interactive computer services available to individual Americans represent an extraordinary advance in the availability of educational and informational resources to our citizens.

"(2) These services offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology develops.

"(3) The Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.

"(4) The Internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation.

"(5) Increasingly Americans are relying on interactive media for a variety of political,

educational, cultural, and entertainment services.

''(b) POLICY.—It is the policy of the United States to—

''(1) promote the continued development of the Internet and other interactive computer services and other interactive media;

''(2) preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by State or Federal regulation;

''(3) encourage the development of technologies which maximize user control over the information received by individuals, families, and schools who use the Internet and other interactive computer services;

''(4) remove disincentives for the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material; and

''(5) ensure vigorous enforcement of criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.

''(c) PROTECTION FOR 'GOOD SAMARITAN' BLOCKING AND SCREENING OF OFFENSIVE MATERIAL.—No provider or user of interactive computer services shall be treated as the publisher or speaker of any information provided by an information content provider. No provider or user of interactive computer services shall be held liable on account of—

''(1) any action voluntarily taken in good faith to restrict access to material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or

''(2) any action taken to make available to information content providers or others the technical means to restrict access to material described in paragraph (1).

''(d) FCC REGULATION OF THE INTERNET AND OTHER INTERACTIVE COMPUTER SERVICES PROHIBITED.—Nothing in this Act shall be construed to grant any jurisdiction or authority to the Commission with respect to content or any other regulation of the Internet or other interactive computer services.

''(e) EFFECT ON OTHER LAWS.—

''(1) NO EFFECT ON CRIMINAL LAW.—Nothing in this section shall be construed to impair the enforcement of section 223 of this Act, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

''(2) NO EFFECT ON INTELLECTUAL PROPERTY LAW.—Nothing in this section shall be construed to limit or expand any law pertaining to intellectual property.

''(3) IN GENERAL.—Nothing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section.

''(f) DEFINITIONS.—As used in this section:

''(1) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

''(2) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service that provides computer access to multiple users via modem to a remote computer server, including specifically a service that provides access to the Internet.

''(3) INFORMATION CONTENT PROVIDER.—The term 'information content provider' means any person or entity that is responsible, in whole or in part, for the creation or development of information provided by the Internet or any other interactive computer service, including any person or entity that creates or develops blocking or screening software or other techniques to permit user control over offensive material.

''(4) INFORMATION SERVICE.—The term 'information service' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. COX] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes. Who seeks time in opposition?

PARLIAMENTARY INQUIRY

Mr. COX of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX of California. Mr. Chairman, given that no Member has risen in opposition, would the Chair entertain a unanimous-consent request?

The CHAIRMAN. If no Members seeks time in opposition, by unanimous consent another Member may be recognized for the other 10 minutes, or the gentleman may have the other 10 minutes.

Let me put the question again: Is there any Member in the Chamber who wishes to claim the time in opposition?

If not, is there a unanimous-consent request for the other 10 minutes?

Mr. WYDEN. There is, Mr. Chairman. Although I am not in opposition to this amendment, I would ask unanimous consent to have the extra time because of the many Members who would like to speak on it.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. COX] will be recognized for 10 minutes, and the gentleman from Oregon [Mr. WYDEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I wish to begin by thanking my colleague, the gentleman from Oregon [Mr. WYDEN], who has worked so hard and so diligently on this effort with all of our colleagues.

We are talking about the Internet now, not about telephones, not about television or radios, not about cable TV, not about broadcasting, but in technological terms and historical terms, an absolutely brand-new technology.

The Internet is a fascinating place and many of us have recently become acquainted with all that it holds for us in terms of education and political discourse.

We want to make sure that everyone in America has an open invitation and feels welcome to participate in the Internet. But as you know, there is some reason for people to be wary because, as a Time Magazine cover story recently highlighted, there is in this vast world of computer information, a literal computer library, some offensive material, some things in the bookstore, if you will, that our children ought not to see.

As the parent of two, I want to make sure that my children have access to this future and that I do not have to worry about what they might be running into on line. I would like to keep that out of my house and off of my computer. How should we do this?

Some have suggested, Mr. Chairman, that we take the Federal Communications Commission and turn it into the Federal Computer Commission, that we hire even more bureaucrats and more regulators who will attempt, either civilly or criminally, to punish people by catching them in the act of putting something into cyberspace.

Frankly, there is just too much going on on the Internet for that to be effective. No matter how big the army of bureaucrats, it is not going to protect my kids because I do not think the Federal Government will get there in time. Certainly, criminal enforcement of our obscenity laws as an adjunct is a useful way of punishing the truly guilty.

Mr. Chairman, what we want are results. We want to make sure we do something that actually works. Ironically, the existing legal system provides a massive disincentive for the people who might best help us control the Internet to do so.

I will give you two quick examples: A Federal court in New York, in a case involving CompuServe, one of our online service providers, held that CompuServe would not be liable in a defamation case because it was not the publisher or editor of the material. It just let everything come onto your computer without, in any way, trying to screen it or control it.

But another New York court, the New York Supreme Court, held that Prodigy, CompuServe's competitor, could be held liable in a $200 million defamation case because someone had posted on one of their bulletin boards, a financial bulletin board, some remarks that apparently were untrue about an investment bank, that the investment bank would go out of business and was run by crooks.

Prodigy said, ''No, no; just like CompuServe, we did not control or edit that information, nor could we, frankly. We have over 60,000 of these messages each day, we have over 2 million subscribers, and so you cannot proceed with this kind of a case against us.''

The court said, ''No, no, no, no, you are different; you are different than CompuServe because you are a family-friendly network. You advertise yourself as such. You employ screening and blocking software that keeps obscenity off of your network. You have people who are hired to exercise an emergency delete function to keep that kind of

material away from your subscribers. You don't permit nudity on your system. You have content guidelines. You, therefore, are going to face higher, stricker liability because you tried to exercise some control over offensive material.''

□ 1015

Mr. Chairman, that is backward. We want to encourage people like Prodigy, like CompuServe, like America Online, like the new Microsoft network, to do everything possible for us, the customer, to help us control, at the portals of our computer, at the front door of our house, what comes in and what our children see. This technology is very quickly becoming available, and in fact every one of us will be able to tailor what we see to our own tastes.

We can go much further, Mr. Chairman, than blocking obscenity or indecency, whatever that means in its loose interpretations. We can keep away from our children things not only prohibited by law, but prohibited by parents. That is where we should be headed, and that is what the gentleman from Oregon [Mr. WYDEN] and I are doing.

Mr. Chairman, our amendment will do two basic things: First, it will protect computer Good Samaritans, online service providers, anyone who provides a front end to the Internet, let us say, who takes steps to screen indecency and offensive material for their customers. It will protect them from taking on liability such as occurred in the Prodigy case in New York that they should not face for helping us and for helping us solve this problem. Second, it will establish as the policy of the United States that we do not wish to have content regulation by the Federal Government of what is on the Internet, that we do not wish to have a Federal Computer Commission with an army of bureaucrats regulating the Internet because frankly the Internet has grown up to be what it is without that kind of help from the Government. In this fashion we can encourage what is right now the most energetic technological revolution that any of us has ever witnessed. We can make it better. We can make sure that it operates more quickly to solve our problem of keeping pornography away from our kids, keeping offensive material away from our kids, and I am very excited about it.

There are other ways to address this problem, some of which run head-on into our approach. About those let me simply say that there is a well-known road paved with good intentions. We all know where it leads. The message today should be from this Congress we embrace this new technology, we welcome the opportunity for education and political discourse that it offers for all of us. We want to help it along this time by saying Government is going to get out of the way and let parents and individuals control it rather than Government doing that job for us.

Mr. Chairman, I reserve the balance of my time.

Mr. WYDEN. Mr. Chairman, I rise to speak on behalf of the Cox-Wyden amendment. In beginning, I want to thank the gentleman from California [Mr. COX] for the chance to work with him. I think we all come here because we are most interested in policy issues, and the opportunity I have had to work with the gentleman from California has really been a special pleasure, and I want to thank him for it. I also want to thank the gentleman from Michigan [Mr. DINGELL], our ranking minority member, for the many courtesies he has shown, along with the gentleman from Massachusetts [Mr. MARKEY], and, as always, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] have been very helpful and cooperative on this effort.

Mr. Chairman and colleagues, the Internet is the shining star of the information age, and Government censors must not be allowed to spoil its promise. We are all against smut and pornography, and, as the parents of two small computer-literate children, my wife and I have seen our kids find their way into these chat rooms that make their middle-aged parents cringe. So let us all stipulate right at the outset the importance of protecting our kids and going to the issue of the best way to do it.

The gentleman from California [Mr. COX] and I are here to say that we believe that parents and families are better suited to guard the portals of cyberspace and protect our children than our Government bureaucrats. Parents can get relief now from the smut on the Internet by making a quick trip to the neighborhood computer store where they can purchase reasonably priced software that blocks out the pornography on the Internet. I brought some of this technology to the floor, a couple of the products that are reasonably priced and available, simply to make clear to our colleagues that it is possible for our parents now to childproof the family computer with these products available in the private sector.

Now what the gentleman from California [Mr. COX] and I have proposed does stand in sharp contrast to the work of the other body. They seek there to try to put in place the Government rather than the private sector about this task of trying to define indecent communications and protecting our kids. In my view that approach, the approach of the other body, will essentially involve the Federal Government spending vast sums of money trying to define elusive terms that are going to lead to a flood of legal challenges while our kids are unprotected. The fact of the matter is that the Internet operates worldwide, and not even a Federal Internet censorship army would give our Government the power to keep offensive material out of the hands of children who use the new interactive media, and I would say to my colleagues that, if there is this kind of Federal Internet censorship army that somehow the other body seems to favor, it is going to make the Keystone Cops look like crackerjack crime-fighter.

Mr. Chairman, the new media is simply different. We have the opportunity to build a 21st century policy for the Internet employing the technologies and the creativity designed by the private sector.

I hope my colleagues will support the amendment offered by gentleman from California [Mr. COX] and myself, and I reserve the balance of my time.

Mr. COX of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, Members of the House, this is a very good amendment. There is no question that we are having an explosion of information on the emerging superhighway. Unfortunately part of that information is of a nature that we do not think would be suitable for our children to see on our PC screens in our homes.

Mr. Chairman, the gentleman from Oregon [Mr. WYDEN] and the gentleman from California [Mr. COX] have worked hard to put together a reasonable way to provide those providers of the information to help them self-regulate themselves without penalty of law. I think it is a much better approach than the approach that has been taken in the Senate by the Exon amendment. I would hope that we would support this version in our bill in the House and then try to get the House-Senate conference to adopt the Cox-Wyden language.

So, Mr. Chairman, it is a good piece of legislation, a good amendment, and I hope we can pass it unanimously in the body.

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. DANNER] who has also worked hard in this area.

Ms. DANNER. Mr. Chairman, I wish to engage the gentleman from Oregon [Mr. WYDEN] in a brief colloquy.

Mr. Chairman, I strongly support the gentleman's efforts, as well as those of the gentleman from California [Mr. COX], to address the problem of children having untraceable access through on-line computer services to inappropriate and obscene pornographic materials available on the Internet.

Telephone companies must inform us as to whom our long distance calls are made. I believe that if computer on-line services were to include itemized billing, it would be a practical solution which would inform parents as to what materials their children are accessing on the Internet.

It is my hope and understanding that we can work together in pursuing technology based solutions to the problems

we face in dealing with controlling the transfer of obscene materials in cyberspace.

Mr. WYDEN. Mr. Chairman, will the gentlewoman yield?

Ms. DANNER. I yield to the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I thank my colleague for her comments, and we will certainly take this up with some of the private-sector firms that are working in this area.

Mr. COX of California. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Chairman, I would like to point out to the House that, as my colleagues know, this is a very important issue for me, not only because of our district, but because I have got four small children at home. I got them from age 3 to 11, and I can tell my colleagues I get E-mails on a regular basis from my 11-year-old, and my 9-year-old spends a lot of time surfing the Internet on America Online. This is an important issue to me. I want to be sure we can protect them from the wrong influences on the Internet.

But I have got to tell my colleagues, Mr. Chairman, the last person I want making that decision is the Federal Government. In my district right now there are people developing technology that will allow a parent to sit down and program the Internet to provide just the kind of materials that they want their child to see. That is where this responsibility should be, in the hands of the parent.

That is why I was proud to cosponsor this bill, that is what this bill does, and I urge my colleagues to pass it.

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I will bet that there are not very many parts of the country where Senator EXON's amendment has been on the front page of the newspaper practically every day, but that is the case in Silicon Valley. I think that is because so many of us got on the Internet early and really understand the technology, and I surf the Net with my 10-year-old and 13-year-old, and I am also concerned about pornography. In fact, earlier this year I offered a life sentence for the creators of child pornography, but Senator EXON's approach is not the right way. Really it is like saying that the mailman is going to be liable when he delivers a plain brown envelope for what is inside it. It will not work. It is a misunderstanding of the technology. The private sector is out giving parents the tools that they have. I am so excited that there is more coming on. I very much endorse the Cox-Wyden amendment, and I would urge its approval so that we preserve the first amendment and open systems on the Net.

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Oregon [Mr. WYDEN] for yielding this time to me, and I rise in strong support of the Cox-Wyden amendment. This will help to solve a very serious problem as we enter into the Internet age. We have the opportunity for every household in America, every family in America, soon to be able to have access to places like the Library of Congress, to have access to other major libraries of the world, universities, major publishers of information, news sources. There is no way that any of those entities, like Prodigy, can take the responsibility to edit out information that is going to be coming in to them from all manner of sources onto their bulletin board. We are talking about something that is far larger than our daily newspaper. We are talking about something that is going to be thousands of pages of information every day, and to have that imposition imposed on them is wrong. This will cure that problem, and I urge the Members to support the amendment.

□ 1030

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY], the ranking member of the subcommittee.

Mr. MARKEY. Mr. Chairman, I want to congratulate the gentleman from Oregon and the gentleman from California for their amendment. It is a significant improvement over the approach of the Senator from Nebraska, Senator EXON.

This deals with the reality that the Internet is international, it is computer-based, it has a completely different history and future than anything that we have known thus far, and I support the language. It deals with the content concerns which the gentlemen from Oregon and California have raised.

Mr. Chairman, the only reservation which I would have is that they add in not only content but also any other type of registration. I think in an era of convergence of technologies where telephone and cable may converge with the Internet at some point and some ways it is important for us to ensure that we will have an opportunity down the line to look at those issues, and my hope is that in the conference committee we will be able to sort those out.

Mr. WYDEN. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I just want to take the time to thank him and also the gentleman from California for this fine work. This is a very sensitive area, very complex area, but it is a very important area for the American public, and I just wanted to congratulate him and the gentleman from California on how they worked together in a bipartisan fashion.

Mr. WYDEN. Mr. Chairman, I yield myself such time as I may consume. I thank the gentleman for his kindness.

Mr. Chairman, in conclusion, let me say that the reason that this approach rather than the Senate approach is important is our plan allows us to help American families today.

Under our approach and the speed at which these technologies are advancing, the marketplace is going to give parents the tools they need while the Federal Communications Commission is out there cranking out rules about proposed rulemaking programs. Their approach is going to set back the effort to help our families. Our approach allows us to help American families today.

Mr. COX of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to respond briefly to the important point in this bill that prohibits the FCC from regulating the Internet. Price regulation is at one with usage of the Internet.

We want to make sure that the complicated way that the Internet sends a document to your computer, splitting it up into packets, sending it through myriad computers around the world before it reaches your desk is eventually grasped by technology so that we can price it, and we can price ration usage on the Internet so more and more people can use it without overcrowding it.

If we regulate the Internet at the FCC, that will freeze or at least slow down technology. It will threaten the future of the Internet. That is why it is so important that we not have a Federal computer commission do that.

Mr. GOODLATTE. Mr. Chairman, Congress has a responsibility to help encourage the private sector to protect our children from being exposed to obscene and indecent material on the Internet. Most parents aren't around all day to monitor what their kids are pulling up on the net, and in fact, parents have a hard time keeping up with their kids' abilities to surf cyberspace. Parents need some help and the Cox-Wyden amendment provides it.

The Cox-Wyden amendment is a thoughtful approach to keep smut off the net without government censorship.

We have been told it is technologically impossible for interactive service providers to guarantee that no subscriber posts indecent material on their bulletin board services. But that doesn't mean that providers should not be given incentives to police the use of their systems. And software and other measures are available to help screen out this material.

Currently, however, there is a tremendous disincentive for online service providers to create family friendly services by detecting and removing objectionable content. These providers face the risk of increased liability where they take reasonable steps to police their systems. A New York judge recently sent the online services the message to stop policing by ruling that Prodigy was subject to a $200 million libel suit simply because it did exercise some control over profanity and indecent material.

The Cox-Wyden amendment removes the liability of providers such as Prodigy who currently make a good faith effort to edit the smut

from their systems. It also encourages the on-line services industry to develop new technology, such as blocking software, to empower parents to monitor and control the information their kids can access. And, it is important to note that under this amendment existing laws prohibiting the transmission of child pornography and obscenity will continue to be enforced.

The Cox-Wyden amendment empowers parents without Federal regulation. It allows parents to make the important decisions with regard to what their children can access, not the government. It doesn't violate free speech or the right of adults to communicate with each other. That's the right approach and I urge my colleagues to support this amendment.

The Chairman. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. COX].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COX of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California [Mr. COX] will be postponed until after the vote on amendment 2–4 to be offered by the gentleman from Massachusetts [Mr. MARKEY].

It is now in order to consider amendment No. 2–4 printed in part 2 of House Report 104–223.

AMENDMENT NO. 2–4 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment, numbered 2–4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY of Massachusetts: page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (47 U.S.C. 543(c)) is amended to read as follows:

''(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date.''.

Page 127, line 4, strike ''or 5 percent'' and all that follows through ''greater,'' on line 6.

Page 129, strike lines 16 through 21 and insert the following:

''(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.''.

Page 130, line 16, insert ''and'' after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

''directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system.''.

Page 131, strike line 6 and all that follows through line 21, and insert the following:

''(m) SMALL CABLE SYSTEMS.—

''(1) SMALL CABLE SYSTEM RELIEF.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

''(2) DEFINITION OF SMALL CABLE SYSTEM.—For purposes of this subsection, 'small cable system' means a cable system that—

''(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

''(B) directly serves fewer than 10,000 cable subscribers in its franchise area.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Virginia [Mr. BLILEY] seek the time in opposition?

Mr. BLILEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself at this point 3 minutes.

Mr. Chairman, the consumers of America should be placed upon red alert. We now reach an issue which I think every person in America can understand who has even held a remote control clicker in their hands.

The bill that we are now considering deregulates all cable rates over the next 15 months. But for rural America, rural America, the 30 percent of America that considers itself to the rural, their rates are deregulated upon enactment of this bill.

Now, the proponents are going to tell you, do not worry, there is going to be plenty of competition in cable. That will keep rates down. For those of you in rural America, ask yourself this question: In two months do you think there will be a second cable company in your town? Because if there is not a second cable company in your town, your rates are going up because your cable company, as a monopoly, will be able to go back to the same practices which they engaged in up to 1992 when finally we began to put controls on this rapid increase two and three and four times the rate of inflation of cable rates across this country.

The gentleman from Connecticut [Mr. SHAYS] and I have an amendment that is being considered right now on the floor of Congress which will give you your one shot at protecting our cable ratepayers against rate shock this year and next across this country, whether you be rural or urban or suburban.

We received a missive today from the Governor of New Jersey, Christine Whitman. She wants an aye vote on the Markey-Shays bill. Christine Whitman. She does not want her cable rates to go up because she knows, and she says it right here, there is no competition on the horizon for most of America.

So this amendment is the most important consumer protection vote which you will be taking in this bill and one of the two or three most important this year in the U.S. Congress.

Make no mistake about it. There will be no competition for most of America. There will be no control on rates going up, and you will have to explain why, as part of a telecommunications bill that was supposed to reduce rates, you allowed for monopolies, monopolies in 97 percent of the communities in America to once again go back to their old practices.

Mr. BLILEY. Mr. Chairman, I yield myself 1 minute.

The Markey amendment, Mr. Chairman, tracks the disastrous course of the 1992 cable law by requiring the cable companies to jump through regulatory hoops to escape the burdensome rules imposed on them after the law was enacted.

The Markey amendment fails to take into account the changing competitive video marketplace that has evolved in the last 2 years. Direct broadcast satellite has taken off, particularly in rural areas, and there will be nearly 5-million subscribers by the end of the year. With the equipment costs now being folded into the monthly charge for this service, this competitive technology will explode in the next few years.

The telephone industry will be permitted to offer cable on the date of enactment and will provide formidable competition immediately. There are numerous market and technical trials going on now to ramp up to that competition.

The Markey amendment turns back the clock. It seeks to continue the government regulation and micromanagement that has unfairly burdened the industry over the past several years.

Vote ''no'' on Markey and duplicate the Senate, they overwhelmingly voted it down over there.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, it's Christmas in August in Washington. On the surface, the Communications Act of 1995 looks like a Christmas gift to the people and the communications industries. You've heard the buzz words: competition, lower rates, and more choices. But a closer look reveals another story.

While the cable provisions in the bill will give a sweet gift to the cable industry, the American consumer, and especially those in rural America, will wake up on Christmas morning to nothing more than less competition, higher cable rates, and less choice.

The bill as it stands immediately deregulates rate controls on small cable systems—those which serve an average of almost 30 percent of cable subscribers in America and account for at least 70 percent of all cable systems. This bill discourages competition in these markets because it deregulates these cable companies regardless of

whether they face substantial competition in the marketplace.

In some cases, the bill immediately removes cable rate controls for systems serving over 50 percent of subscribers. In my home State of Tennessee, cable systems reaching more than 30 percent of subscribers, or 348,027 subscribers, would see immediate deregulation, and these subscribers would see nothing but higher rates and no choice.

That's the reason I am proud to support the Markey-Shays cable amendment to the Communications Act of 1995. This amendment would protect consumers from cable price-gouging by keeping rate regulations on small cable companies until effective cable competition in the marketplace offers consumers a choice.

I urge my colleagues to support this amendment. Otherwise, Congress will give their constituents a Christmas gift they will not forget.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I rise in strong opposition to this amendment. When we reregulated cable 3 years ago, I was absolutely opposed to that. I voted against it in subcommittee, I voted against it in full committee, and I voted against it on the floor, and I voted to sustain the President's veto when he tried to veto the legislation.

We do not need to be regulating cable rates. Cable is not a necessity. The Federal Government has absolutely no right to be setting prices for cable television. The amendment that is before us would do that.

We have wisely in the legislation deregulated 90 percent of the cable industry. We should keep the bill as it is, we should vote against the Markey amendment.

I would vote against it two times, three times, four times if I had the constitutional authority to do so, but I am going to vote against it once.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, I want to thank the gentleman from Massachusetts [Mr. MARKEY] for the good work that he has done on behalf of the consumers of America.

Mr. Chairman, I rise in support of the Markey-Shays amendment for the simple reason that I do not want to return to the days when the cable companies of this country were increasing their prices at three times the rate of inflation while dramatically reducing their services.

Since the passage of the 1992 Cable Act, the American consumer has finally seen relief in the form of significantly reduced cable rates. In my district alone, millions of dollars have been saved by cable subscribers. But the bill we are debating here this morning would severely threaten the consumer protection that was established by the 1992 act.

In its current form, H.R. 1555 would abolish FCC regulation of cable systems thereby allowing cable companies to once again raise rates arbitrarily. It would open a window of opportunity for cable owners to cash in one last time at the expense of the American consumer. We cannot allow this to happen.

The Markey-Shays amendment would continue FCC regulation of cable systems until effective competition is established. It is a proconsumer amendment that would protect millions of Americans from an unnecessary rate hike and I strongly urge its passage.

□ 1045

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

Mr. Chairman, the Markey cable amendment embodies all that is wrong with Government regulation. It sets prices for a private industry, cable television. It lowers the threshold for price controls to systems with 10,000 or fewer subscribers. It lowers the complaint threshold from 5 percent of subscribers to 10—yes 10, individual subsbribers—to which the FCC can respond with a rate review. Mr. Chairman, I have seen the amount of paperwork a cable operator can be asked to provide the FCC in response to a complaint. It is absolutely unbelievable. And this amendment would make it more likely that cable operators would have to fill out these massive forms for the FCC. H.R. 1555 promotes deregulation and competition in all telecommunications industries, including cable. Mr. Chairman, I strongly urge my colleagues to reject this effort at price control and regulation of the cable industry.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Markey-Shays amendment to protect Americans from unaffordable cable rate increases.

Cable rates hit home with consumers in Connecticut and across the country. That is why the only bill Congress passed over President Bush's veto was the 1992 Cable Act to keep TV rates down. Now is not the time to backtrack on that progress.

We would all like to see competition pushing cable rates down, but the telecommunications bill before us will remove protections against price increases before there is any guarantee of competition. Under this bill, every time you hit the clicker, it might as well sound like a cash register recording the higher costs viewers will face. Consumer groups estimate that this bill will raise rates for popular channels such as CNN and ESPN by an average of $5 per month.

The Markey-Shays amendment will protect television viewers from unreasonable rate increases until there truly is competition in the cable TV market. The amendment will also retain important safeguard that protect the right of consumers to protest unreasonable rate hikes.

I urge my colleagues to support the Markey-Shays amendment so that hard-working Americans will not be priced out of the growing information age.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN], a member of the committee.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the Markey amendment. In 1992 we fought a royal battle on the floor of this House, a battle designed clearly to begin the process of creating competition in the cable programming marketplace. The problem in 1992 was not the lack of Government regulation, although that contributed to the problem in 1992. The problem was that because cable monopoly companies vertically integrated, controlled by the programming and the distribution of cable programming, cable companies could decide not to let competition happen. They could refuse to sell to direct broadcast satellite, they could refuse to sell to microwave systems, they could refuse to sell to alternative cable systems. The result was competition was stifled. The demand rose in this House for reregulation.

The good news is that in 1992, despite a veto by the President, this House and the other body overrode that veto, adopted the Tauzin program access provision to the cable bill, and created, for the first time in this marketplace, real competition.

Mr. Chairman, are you not excited by those direct broadcast television ads you see on television, where you see a direct satellite now beaming to a dish no bigger than this to homes 150 channels with incredible programming? Are you not excited in rural America that you have an alternative to the cable, or, where you do not have a cable, you now have program access? Are you not excited when microwave systems are announced in your community and when you hear the telephone company will soon be in the cable business?

That is competition. Competition regulates the marketplace much better than the schemes of mice and men here in Washington, DC.

Consumers choosing between competitive offerings, consumers choosing the same products offered by different suppliers, in different stores, in the same town. Keep prices down, keep service up. Competition, yes; reregulation, no.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS], the cosponsor of the amendment.

Mr. SHAYS. Mr. Chairman, competition, yes. Competition, yes. But now we do not have competition. Ninety-seven percent of all systems do not have competition. And this bill, unamended, allows for those companies, most of them, nearly 50 percent of them, to be deregulated.

We say yes, we are going to allow the small companies to be deregulated, the small ones, under 600,000 subscribers. Six hundred thousand subscribers is small? That system is worth $1.2 billion.

We do not have competition now. Deregulate when you have competition. There are 97 percent of the systems that do not have competition. The whole point here is to make sure that companies that are not competing, that have a monopoly, are not allowed to set monopolistic prices.

One of the reasons why we overrode the President's veto, 70 of us on the Republican side, we recognized that consumers were paying monopolistic prices. Deregulate when you have competition. The bill in 1992 said when you had competition, there would not be regulation. The reason why we have regulation is these are monopolies.

I know Members have not had a lot of sleep, but I hope the staff that is listening will tell their Members that we are going to deregulate these companies and they are going to set monopolistic prices, and they are going to come to their Congressman and say, ''Why did you vote to deregulate a monopoly?''

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MANTON], a member of the committee.

Mr. MANTON. Mr. Chairman, I rise in opposition to the Markey amendment.

I thank the gentleman for yielding me this time and would like to take this opportunity to commend him for his fine work on this legislation.

Mr. Chairman, the cable television industry is poised to compete with local telephone companies in offering consumers advanced communications services. Yet to make that happen, we must relax burdensome and unwarranted regulations that are choking the ability of the cable industry to invest in the new technology and services that will allow them to compete.

The proponents of the Markey amendment said in 1992 that rate regulation was a placeholder until competition arrived in the video marketplace.

Well, that competition is here. Today, cable television is being challenged by an aggressive and burgeoning direct broadcast satellite industry and other wireless video services. And with the enactment of H.R. 1555, the Nation's telephone companies, will be permitted to offer video services directly to the consumer.

Mr. Chairman, it is also important for my colleagues to understand what H.R. 1555 does not do. It does not repeal the 1992 Cable Act. Cities will retain the authority to regulate rates for basic cable services and to impose stringent customer service standards. H.R. 1555 does not alter the program access, must carry or retransmission consent provisions of the 1992 Cable Act.

Quite modestly, H.R. 1555 will end rate regulation of expanded basic cable entertainment programming 15 months after the enactment of the legislation, plenty of time for the telcos to get into the video business.

Mr. Chairman, cable programming is an enormously popular and valuable service in the world of video entertainment. But just because it's good and people like it, doesn't mean the Federal Government should regulate it.

I urge my colleagues to reject the Markey amendment.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH], a member of the committee.

Mr. DEUTSCH. Mr. Chairman, I would like to thank the chairman of the committee for yielding me this time.

Mr. Chairman, the crux of this issue is, is there competition in this industry at this time on the issues of this amendment? I think the answer to that is that there is.

Let us be very specific about what the amendment does. The amendment would keep regulation on nonbasic services. Basic service would continue regulation beyond the 15-month period. For nonbasic service, for HBO, Cinemax, and things like that.

There is competition today in just about any place in this country, and I know for a fact in my community you can buy a minisatellite dish. You can go to Blockbuster Video and rent a video. Many people choose that. Cable passes 97 percent of the homes in this country, yet only 60 percent of those homes choose to purchase cable systems.

What this bill does is it gives an opportunity for this country to enter a new age, an age for competition throughout our telecommunications. The major opportunity is there for the phone systems for competition through the cable system.

Again, in my own area of south Florida, cable systems are actively marketing competition in commercial lines, today, against phone systems. That is something they want to do in the short term, tomorrow.

If this bill has any chance of creating this synergism, the new technologies, the things that will be available that are beyond our imagination, the opportunity of cable systems to be part of that competition is a necessary component.

If we can think back 15 years ago when none of us could have imagined the change in the technologies that have evolved, this is a case of hope versus fear.

Mr. Chairman, I urge the defeat of the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman very much for yielding me time.

Mr. Chairman, I rise with great excitement about the technology that is offered through this cable miracle. I only hope that the consumers can be excited as well. I stand here before you as a former chairperson of a local municipality's cable-TV committee, and I realize that basic rates have been regulated. But maybe the reason why so many do not opt in for cable TV is because of the rates on the other services.

So I think the Markey-Shays amendment is right on the mark. It acknowledges the technology, but it also comes squarely down for competition, and it responds to the needs of consumers in keeping the lid on what is a privilege held by the cable companies. It is a privilege to be in the cable TV business. It is big business. It is going to be more big business in the 21st century, and I encourage that. But at the same time, I think it is very important to have a system that provides for the regulation of rates so that we can have greater access to cable by our schools, for our public institutions, and, yes, for our citizens in urban and rural America. The rates are already too high!

Mr. Chairman, this amendment also allows the subscriber to more easily make complaints to the FCC. The real issue is to come down on the side of the consumer and to come down on the side of viable competition. Support the Markey-Shays amendment.

Mr. Chairman, I rise in support of the Markey-Shays amendment to H.R. 1555 because it provides reasonable and structured plan for deregulating cable rates for an existing cable system until a telephone company is providing competing services in the area.

This amendment is critically important because in many areas of the country, one cable company already has a monopoly on cable services. I am sure that many of my colleagues can attest to the complaints by constituents with respect to high rates and inadequate service when no competition exists in the local cable market.

This amendment is also necessary because it would eliminate rate regulation for many small cable systems with less than 10,000 subscribers in a franchise area and less than 250,000 subscribers nationwide.

Finally, this amendment provides an opportunity for consumers to petition the FCC to review rates if 10 subscribers complain as opposed to the bill's requirement that 5 percent of the subscribers must complain in order to trigger a review by the FCC.

I urge my colleagues to support true competition in the cable market by voting in favor of the Markey-Shays amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, while I applaud the leadership of the gentleman from Massachusetts [Mr. MARKEY], incredible leadership on telecommunications issues, I must oppose this amendment, because Federal regulation of cable which began in 1993 has not worked. Regulation has resulted in the decline of cable television programming and hurt the industry's ability to invest in technology that is going to improve information services to all Americans.

□ 1100

Because cable companies have information lines in home, cable has the potential to offer our constituents a choice in how to receive information. Cable systems pass over 96 percent of American homes with cables that carry up to 900 times as much information as the local phone company's wires.

Exensive regulations prevent the cable industry from raising the capital needed to make the billion dollar investments needed to upgrade their systems. Cable's high capacity systems can ultimately deliver virtually every type of communications service conceivable, allow consumers to choose between competing providers, voice, video, and data services.

I urge a ''no'' vote on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

While many of us differ about parts of the bill, one thing is clear. H.R. 1555 deregulates cable before consumers have a competitive authorization alternative. The provisions of the bill very simply see to it, first of all, that so-called small systems are deregulated immediately and define a small system as one which has 600,000 subscribers. That is a market the size of the city of Las Vegas. So there is nothing small about those who will be deregulated immediately.

Beyond this, the provision will deregulate cable rates for more than 16 million households, nearly 30 percent of the total cable households in America, and it will do so at the end of the time it takes the President to sign this.

The bill will deregulate all cable rates in Alaska immediately, and more than 61 percent of rates in Georgia, and the rates of better than half of the subscribers in Arkansas, Maine, North Dakota, South Dakota, Minnesota, Nevada, and other States.

But there is more. This bill will deregulate by the calendar. What happens is that at the end of 15 months, whether there is competition in place or not, deregulation occurs. At that point, what protection will exist for the consumers of cable services in this country who do not have competition?

This amendment returns us to the rather sensible approach which we had when we passed the Cable Regulation Act some 2 years ago. It provides protection for the consumers. I urge my colleagues to support the amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY], a member of the committee.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, since the passage of the 1992 Cable Act, the PCC staff has increased some 30 percent, making it one of the largest growing Federal bureaucracies in Washington. Most of the growth is due to the creation of the Cable Services Bureau.

Listen to this: When established, the Cable Service Bureau has a staff of 59. Since the passage of the Cable Act of 1992, it has increased and has quadrupled in size. The 1995 cable services budget stands at $186 million, a 35-percent increase from the Cable Act.

We do not need more bureaucrats telling the American public what they can and cannot pay for MTV and other cable services. It seems to me that the potential is clearly there for more and more competition. If we get bureaucracy in the way of competition, the bureaucracy always wins. It is important to understand the negative effects of the Cable Act of 1992. This amendment would exacerbate the terrible things that have happened since 1992.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, we gave away cable franchises in the early 1970s and made millionaires out of cable franchise owners. In 1984, we deregulated and made billionaires out of these organizations.

The argument that since deregulation bad things have happened to cable is simply not true. Their revenues have grown from 17 billion in 1990 to 25 billion in 1995. Their subscribers have grown from 54 million to 61 million during that same time period. Cable companies are making money. They are presently without competition. We should deregulate when we have competition, not before. That is the crux of this argument.

Mr. BLILEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado [Mr. SCHAEFER].

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Chairman, I rise in opposition to this amendment and in support of H.R. 1555.

In 1992, I voted against the cable act because it was unjustified and would slow the growth of a dynamic industry. In fact, the 1992 act stifled the cable industry's ability to upgrade its plants, deploy new technology and add new channels. It also put several program networks out of business and delayed the launch of many other networks in this country.

Without some changes to the cable act, Congress will delay the introduction of new technologies and services to the consumer and will jeopardize the growth of competition in the telecommunications industry.

The Markey-Shays amendment should be rejected for two reasons: First, it looks to the past; second, it is bad policy.

H.R. 1555 is looking to the future. It will establish new competition between multiple service providers offering consumers greater choices, better quality and fairer prices.

The Markey-Shays amendment is based on outdated market conditions from the 1980's, and it seeks to shackle an industry that promises to deliver every conceivable information age service as well as local phone service.

The proposed amendment represents a last ditch effort to keep in place a failed system of regulation that has no place in the marketplace today.

The gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Connecticut [Mr. SHAYS] have argued that without their amendment cable prices would jump significantly and without justification. This simply is not true.

First, for most cable systems, the vast majority of cable subscribers rate regulations will remain in place for 15 months after 1,555 is enacted. This will provide ample time for more competition to develop. Competition, not extensive Federal regulation, is the best way to constrain prices that we have today.

Second, the sponsors of the pending cable rate amendment have overstated the history of cable prices after deregulation. For example, Mr. MARKEY has repeatedly cited a GAO statistic which suggests that cable rates tripled between deregulation in the mid 1980s and reregulation in 1992. What he ignores is that the number of channels offered by the cable system has also tripled.

As this chart very well explains it, back in the deregulation era, here we had between 1986, 58 cents per channel. And as you go to 11/91, 58 cents per channel. No changes.

The chart demonstrates the average cost of cable television. It remained constant over the particular time. And I would just say, by tying future cable rates to CPI, as the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Connecticut [Mr. SHAYS] are proposing, Congress will choke off the explosion of services and programs to our consumers. The time for total deregulation is there; 13 hundred pages of FCC regulations and 220 bureaucrats are running this system,

the cable bureau in this country under FCC. It is harming consumers by delaying introduction of new technology and services. Such regulations will also impede the cable industry's ability to offer other consumer advantages in this market.

I would just say that if we really want cable to be a part of this whole information highway, defeat the Markey-Shays amendment.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are now 3 minutes from casting the one vote that every consumer in America is going to understand. They may appreciate that you are going to give them the ability to have one more long distance company out there, but they have already, in fact, enjoy dozens of long distance companies in America. But every cable consumer in America knows that in their hometown there is only one cable company, and the telephone company is not coming to town soon.

Under Shays-Markey, when the telephone company comes to town, no more regulation. What the bill says right now is, even if the telephone company does not come to town, the cable companies can tip you upside down and shake your money out of your pockets.

So you answer this question: When cable rates go from $25 a month to $35 a month, every month, are you going to be able to explain that there is competition arriving in 3 or 4 years?

Keep rate controls until the telephone company shows up in town, then complete deregulation. That is what this bill is all about, competition. When the telephone company begins to compete, if it ever does, no rate control. But until they get there, every community in America for all intents and purposes is a cable monopoly. They are going right back to the same practices once you pass this bill.

Support the Shays-Markey amendment. Protect cable consumers until competition arrives.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has 1 half minute to close.

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS].

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, this is a reregulatory dinosaur. Basic cable rates continue to be regulated under this bill.

We deregulate expanded basic in 15 months, when telephone will be competing with cable. But very importantly, in terms of competition with telephone companies, the only competitor in the residential marketplace will be the cable company. If you place regulations on cable, they will not be able to roll out the services so they can truly compete with telephone, which is what we want. It is a desired consumer benefit.

Mr. Chairman, I rise in opposition to the Markey cable re-regulation amendment. Today, we will hear from my friend from Massachusetts that there is not enough competition in the cable services arena and, therefore cable should not be deregulated. So one might ask, why would we want to limit one industry and place regulations which will prohibit cable from competing with the others?

The checklist in title 1 envisions a facilities-based competitor which will provide the consumer with an alternative in local phone service. The cable companies are ready to be that competitor; however, they cannot fully participate in the deployment of an alternative system if they must operate under the burdensome regulations imposed by the 1992 cable act. The truth is that cable companies are facing true competition. With the deployment of direct broadcast satellite systems and telephone entry into cable, the competitors have come.

H.R. 1555 takes a moderate approach toward deregulating cable. The basic tier remains regulated because that has become a lifeline service. The upper tiers, which are purely entertainment, are reregulated because consumers have a choice in that area.

We should not be picking favorites by keeping some sectors of the industry under regulations. It is time to allow everyone to compete fairly and without Government interference. I strongly urge my colleagues to oppose this amendment.

STATEMENT ON MUST CARRY/ADVANCED SPECTRUM

Section 336(b)(3) of the Communications Act, added by section 301 of the bill, makes clear that ancillary and supplemental services offered on designated frequencies are not entitled to must carry. It is not the intent of this provision to confer must carry status on advanced television or other video services offered on designated frequencies. Under the 1992 Cable Act, that issue is to be the subject of a Commission proceeding under section 614(b)(4)(B).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the rule, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 275, not voting 11, as follows:

[Roll No. 628]

AYES—148

Abercrombie
Baesler
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Bishop
Boehlert
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Dingell
Doyle
Duncan
Durbin
Engel
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hyde
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Markey
Mascara
McCarthy
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pomeroy
Porter
Poshard
Rahall
Reed
Regula
Rivers
Roemer
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Skelton
Slaughter
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Wise
Woolsey
Wyden
Wynn
Yates

NOES—275

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hunter
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Matsui
McCollum
McCrery
McDade
McHale
McInnis
McIntosh

McKeon
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Richardson
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Towns
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Andrews
Bateman
Coburn
Hutchinson
Moakley
Ortiz
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1133

Messrs. MONTGOMERY, MARTINEZ, PAYNE of New Jersey, and BEVILL changed their vote from ''aye'' to ''no.''

Mrs. MEEK of Florida and Mr. HASTINGS of Florida changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2–1 offered by the gentleman from Michigan [Mr. STUPAK], Amendment No. 2–2 as modified, offered by the gentleman from Michigan [Mr. CONYERS], and Amendment No. 2–3 offered by the gentleman from California [Mr. COX].

AMENDMENT NO. 2–1 OFFERED BY MR. STUPAK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. STUPAK] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 338, noes 86, not voting 10, as follows:

[Roll No. 629]

AYES—338

Abercrombie
Ackerman
Armey
Baesler
Baker (LA)
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Burton
Calvert
Camp
Canady
Cardin
Chambliss
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hyde
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff

NOES—86

Allard
Archer
Bachus
Baker (CA)
Ballenger
Barrett (NE)
Bilbray
Bliley
Boehner
Bono
Boucher
Bunn
Bunning
Burr
Buyer
Callahan
Castle
Chabot
Chenoweth
Christensen
Coleman
Combest
Cox
Crapo
Cremeans
Deal
DeLay
Deutsch
Dickey
Ewing
Fields (TX)
Fox
Franks (CT)
Franks (NJ)
Frisa
Ganske
Gillmor
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hefley
Herger
Hostettler
Houghton
Inglis
King
Kolbe
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Livingston
LoBiondo
Longley
McCrery
McInnis
Metcalf
Mica
Norwood
Oxley
Packard
Parker
Paxon
Rogers
Rohrabacher
Royce
Schaefer
Shadegg
Skeen
Souder
Stump
Talent
Tate
Thornberry
Vucanovich
Walker
Weller
White
Whitfield
Wicker
Zimmer

NOT VOTING—10

Andrews
Bateman
Hutchinson
Moakley
Ortiz
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1142

Mr. FOX of Pennsylvania and Mr. SHADEGG changed their vote from ''aye'' to ''no.''

Messrs. ROBERTS, QUINN, and BILIRAKIS, and Mrs. SMITH of Washington changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2–2, AS MODIFIED, OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment 2–2. as modified, offered by the gentleman from Michigan [Mr. CONYERS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 271, not voting 12, as follows:

[Roll No. 630]

AYES—151

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bono
Borski
Brown (CA)
Bryant (TX)
Bunn
Canady
Cardin
Chabot
Chapman
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cremeans
Cunningham
Danner
DeFazio
DeLauro
Dellums
Dixon
Doggett
Durbin
Edwards
Evans
Farr
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gonzalez
Goss
Green
Gutierrez
Hall (OH)
Heineman
Hinchey
Hobson
Holden
Hostettler
Hoyer
Hyde
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Klink
Knollenberg
LaFalce
Lantos
LaTourette
Leach
Levin
Lewis (KY)
Lipinski
Lofgren
Luther
Martinez
Matsui
McCarthy
McCollum
McDermott
McHale
Meyers
Mfume
Miller (CA)
Mineta
Mink
Myers
Nadler
Neumann
Norwood
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pomeroy
Poshard
Quillen
Ramstad
Rangel
Reed
Richardson
Rivers
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thomas
Thornton
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Volkmer
Waters
Watt (NC)
Waxman
Whitfield
Woolsey
Wyden
Yates

NOES—271

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cubin
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Fattah
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hoekstra
Hoke
Horn
Houghton
Hunter
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCrery
McDade
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Tiahrt
Torkildsen
Towns
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Bateman
Bishop
Hutchinson
McHugh
Moakley
Ortiz
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1150

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. COX] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 4, not voting 10, as follows:

[Roll No. 631]

AYES—420

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula

Richardson	Skaggs	Towns
Riggs	Skeen	Traficant
Rivers	Skelton	Tucker
Roberts	Slaughter	Upton
Roemer	Smith (MI)	Velazquez
Rogers	Smith (TX)	Vento
Rohrabacher	Smith (WA)	Visclosky
Ros-Lehtinen	Solomon	Volkmer
Rose	Spence	Vucanovich
Roth	Spratt	Waldholtz
Roukema	Stark	Walker
Roybal-Allard	Stearns	Walsh
Royce	Stenholm	Wamp
Rush	Stockman	Ward
Sabo	Stokes	Waters
Salmon	Studds	Watt (NC)
Sanders	Stump	Watts (OK)
Sanford	Stupak	Waxman
Sawyer	Talent	Weldon (FL)
Saxton	Tanner	Weldon (PA)
Schaefer	Tate	Weller
Schiff	Tauzin	White
Schroeder	Taylor (MS)	Whitfield
Schumer	Taylor (NC)	Wicker
Scott	Tejeda	Wilson
Seastrand	Thomas	Wise
Sensenbrenner	Thompson	Woolsey
Serrano	Thornberry	Wyden
Shadegg	Thornton	Wynn
Shaw	Tiahrt	Yates
Shays	Torkildsen	Young (FL)
Shuster	Torres	Zeliff
Sisisky	Torricelli	Zimmer

NOES—4

Hunter	Souder
Smith (NJ)	Wolf

NOT VOTING—10

Andrews	Ortiz	Williams
Bateman	Reynolds	Young (AK)
Moakley	Scarborough	
Nethercutt	Thurman	

□ 1156

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Chairman, I was not recorded on rollcall vote No. 631. The RECORD should reflect that I would have voted ''aye.''

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: Page 150, beginning on line 24, strike paragraph (1) through line 17 on page 151 and insert the following:

''(1) NATIONAL AUDIENCE REACH LIMITATIONS.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding 35 percent. Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.''

Page 150, line 4, strike ''(a) AMENDMENT.—''.

Page 150, line 9, after ''section,'' insert ''and consistent with section 613(a) of this Act,''.

Page 154, strike lines 9 and 10.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment which we are now considering addresses one of the most fundamental changes which has ever been contemplated in the history of our country. The bill, as it is presented to the floor, repeals for all intents and purposes all the cross-ownership rules, all of the ownership limitation rules, which have existed since the 1970's, the 1960's, to protect against single companies being able to control all of the media in individual communities and across the country.

□ 1200

In this bill it is made permissible for one company in your hometown to own the only newspaper, to own the cable system, to own every AM station, to own every FM station, to own the biggest television station and to own the biggest independent station, all in one community. That is too much media concentration for any one company to have in any city in the United States.

This amendment deals with a slice of that. The amendment to deal with all of it was not put in order by the Committee on Rules when it was requested as an amendment, but it does deal with a part of it. It would put a limitation on how many television stations, CBS, ABC, NBC, and Fox could own across our country, how many local TV stations, and whether or not in partnership with cable companies individual TV stations being owned by cable companies at the local level could partner to create absolutely impossible obstacles for the other local television broadcasters to overcome.

Who do we have supporting our amendment? We have just about every local CBS, ABC, and NBC affiliate in the United States that supports this amendment. We do not have ABC, CBS, and NBC in New York because they want to gobble up all the rest of America. This would be unhealthy, it would run contrary to American traditons of localism and diversity that have many voices, especially those at the local level that can serve as well as a national voice but with a balance.

Vote for the Markey amendment to keep limits on whether or not the national networks can gobble up the whole rest of the country and whether or not in individual cities and towns cable companies can purchase the biggest TV station or the biggest TV station can purchase the cable company and create an absolute block on other stations having the same access to viewers, having the same ability to get their point of view out as does that cable broadcasting combination in your hometown.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself 2 minutes.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Massachusetts [Mr. MARKEY] restricting the national ownership limitations on television stations to 35 percent of an aggregate national audience reach.

The gentleman's amendment would limit the ability of broadcast stations to compete effectively in a multichannel environment. Indeed, the Federal Communications Commission on this issue in its further notice of proposed rulemaking issued this year, the FCC noted that group ownership does not, I repeat does not result in a decrease in viewpoint diversity. According to the FCC the evidence suggests the opposite.

Mr. Chairman, I ask the Members to look at their own broadcast situation. Who owns your local ABC, NBC, CBS affiliate? Is it local? I venture to say that 90 percent of us the answer is no, they are owned by somebody else out of town. So it is a nonissue.

As to what the gentleman says about cross ownership and saturation, I invite the Members to read page 153 of the bill. The commission may deny the application if the commission determines that the combination of such station and more than one other nonbroadcast media of mass communication and would result in a undue concentration of media voices in the respective local market. This amendment is not needed. Vote it down.

Mr. Chairman, I rise in opposition to Mr. MARKEY'S amendment restricting the national ownership limitations on telephone stations to 35 percent of an aggregate national audience reach. Mr. MARKEY'S amendment would limit the ability of broadcast stations to compete effectively in a multichannel environment. Mr. MARKKEY'S amendment would limit the ability of broadcast stations to compete effectively in the multichannel environment. Mr. MARKEY defends the retention of an arbitrary limitation in the name of localism and diversity. The evidence, however, does not support his claim.

I would simply refer Mr. MARKEY to the findings of the Federal Communications Commission on this issue in its further notice of proposed rulemaking issued this year. The FCC noted that group ownership does not result in a decrease in viewpoint diversity. According to the FCC, the evidence suggests the opposite, that group television station owners generally allow local managers to make editorial and reporting decisions autonomously. Contrary to Mr. MARKEY'S suggestion that relaxation of these limits are anticompetitive, the FCC has found that in today's markets, common ownership of larger numbers of broadcast stations nationwide, or of more than one station in the market, will permit exploitation of economies of scale and reduce costs and permit improved service.

Finally, I would note that in its notice of proposed rulemaking, the FCC questioned whether an increase in concentration nationally has any effect on diversity or the local market. Most local stations are not local at all, but are run from headquarters found outside the State in which the TV station is located. Moreover,

many local stations are affiliated with networks. As a result, even though these stations are not commonly owned, they air the identical programming for a large portion of the broadcast day irrespective of the national ownership limits.

For these reasons, the amendment proposed by Mr. MARKEY is anticompetitive and I strongly urge my colleagues to oppose his amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, it goes without saying that media is a major force in our society. Some people even blame our crime problems, our moral decay on the media. Now, I am not willing to go that far, but I am concerned about putting the control of our ideas and messages in the hands of fewer and fewer people in this country.

Right now the national audience capture is 25 percent. That seems appropriate to me in light of the fact that there is no network that reaches 25 percent, but certainly 35 percent is a reasonable compromise. There is no reason to double the concentration to 50 percent. I think 35 percent is certainly appropriate.

We talk about small business. Mr. Chairman, this bill goes in the exact opposite direction. Even big businesses may not be able to get into the market if we pass this legislation. It is clearly a barrier to market interests. In fact, 10 years ago if this bill had been in place Fox television probably could not have gotten started. It represents a threat to local broadcast decisions. Please vote with the Markey amendment.

Mr. FIELDS of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in strong opposition to the Markey amendment.

The rules regulating broadcasters were written in the 1950's. but the world for which those broadcast provisions were necessary doesn't exist anymore. It's gone. Most of us have recognized that fact and bidden it a fond farewell.

But not the supporters of this amendment. They would take the U.S. broadcasting industry back to the days of the 1950's. This amendment would ensure that while every other industry in America surges ahead, U.S. broadcasters remain mired in rules written when the slide rule was still state-of-the-art technology.

We should be thankful that we didn't impose the same regulations on the computer industry as we have on the broadcast industry. If we had, we'd all still be using mechanical typewriters.

The Markey amendment is the equivalent of trying to stuff a full-grown man into boys clothes—they simply won't fit anymore. The broadcast industry has outgrown the rules written for it when it was still a child.

If I could direct your attention to the graph, you will see that to reach that 50 percent limit, one would have to buy a station in more than each of the top 25 markets out of the 211 television markets. That in itself is no small feat. But keep in mind the result: Broadcasters would own a mere 30 stations out of the 1,500 TV stations nationwide. Who has this money, the financing, for that would be mind boggling.

On the question of localism—it isn't lost. Networks and group-owned stations typically air more local coverage. Covering local news simply makes good business sense—give viewers what they want or go out of business. Business succeed by making people satisfied.

Opponents will also tell you we will lose diversity in the local market with this bill. That is simply not true. Just keep in mind the following:

The FCC can deny any combination if it will harm the preservation of diversity in the local market; and under no circumstance will the FCC allow less than three voices in a market.

We must reject this backward-looking amendment. We must reject the advice of the Rip Van Winkles of broadcasting who went to sleep in the 1950's and think we are still there.

If the supporters of this amendment had their way, smoke signals would still be cutting-edge technology.

The dire predictions about the harm of lifting broadcast restrictions remind me of Chicken Little's warning that the sky is falling. Ladies and gentlemen, the sky is not falling. Freeing broadcasters from outdated ownership rules will do us no harm. If I can steal from Shakespeare, the Markey amendment is ''full of sound and fury, signifying nothing.''

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pittsburgh, PA [Mr. KLINK].

Mr. KLINK. Mr. Chairman, the Markey amendment is really very important to this bill. I will tell you that for us to have a free Nation, for people who are going to elect those of us who are their representatives in Government, they have to have different points of views.

I have had some experience in the broadcast industry for 24 years, and in fact I worked for Westinghouse, which is one of the companies who just this last week made national history in buying CBS, ABC is being bought by Disney.

I am talking to my colleagues in the business. They said, look, we are already merging news rooms. You have four or five different entities, radio and TV owned by Westinghouse and by CBS, we are merging news rooms, so before as a Member of Congress or as any public servant you may have three or four different people there gathering points of view you now have one.

So this is not a divergence of viewpoints. We are bringing all the viewpoints in there. We are creating information czars. We are creating a situation where a handful of people will in fact be able to control the opinions across this Nation, and what we are saying is, no, we do not want that, we want free broadcast, we want the broadcast signals which are owned by the people of this Nation, which are licensed by the FCC for these large corporations to broadcast on to continue.

I urge you to support the Markey amendment.

Mr. FIELDS of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Chairman, one of the major fallacies of Mr. MARKEY's arguments is that the broadcast ownership reform provisions will harm local ownership of broadcast stations.

There is an unfounded fear that networks or broadcasting groups will buy up local stations and drop local programming in favor of network programs or a bland, national fare—and that is just plain wrong.

First, under today's restrictive broadcast ownership provisions, 75 percent of television stations are owned by broadcast corporations, and of those companies, 90 percent are headquartered in States other than where their individual stations are located.

Second, networks cannot currently force an affiliate to air any specific network program. Local stations today enjoy the ''right of refusal'' which means they can air a local program instead of a network program. Nothing in H.R. 1555 will change this right of refusal.

Finally, and perhaps most important to broadcasters, is the fact that local programming is profitable. Good business sense dictates that broadcasters address the needs of the local community.

There will always be demand for local programming, especially local news, weather forecasts and traffic reports, since this is something that the networks just can't match.

In conclusion, we must also remember that H.R. 1555 does nothing to weaken existing antitrust laws regarding undue media concentration.

Mr. Chairman, I urge all of my colleagues to oppose the amendment by Mr. Markey.

The CHAIRMAN. The Committee will rise informally to receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. WALKER) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1213

COMMUNICATIONS ACT OF 1995

The Committee resumed its sitting.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1215

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Markey-Klink-Montgomery amendment. This amendment blocks national networks from owning local TV stations to control 50 percent of all the viewing audience. This would be a terrible thing, Mr. Chairman, to let ABC, Disney, NBC, CBS, Fox, own more local TV stations.

The ABC affiliate in my hometown is privately owned. When violent programs are produced, the manager of this station will not show those violent programs. If this was a network-owned station, those programs would be shown.

Let us face it, Mr. Chairman: Companies like ABC, they have no respect for Members of Congress. Now, if you want the big networks in New York City to own your local station and beat up on Members of Congress, then you ought to vote against us. But if you want TV stations to stay in private ownership, then we ask for an ''aye'' vote on the Markey-Klink-Montgomery amendment.

Mr. FIELDS of Texas. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FRISA].

Mr. FRISA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this amendment, because, curiously, and we have not heard this yet, there is a special carve-out for those wonderful, warm, local hometown newspapers such as the Washington Post. The sponsor of the amendment did not tell us there is a special provision allowing the Washington Post to have cross-ownership. Also that other wonderful local hometown newspaper, that warm and fuzzy New York Times, gets a special carve-out in this amendment. We did not hear that from the sponsor of this measure as well.

This amendment is disingenuous. Localism will be dictated by the marketplace. A business entity will not be successful unless it appeals to each local market, to the folks next door. This amendment should be defeated because it does not tell it like it is, and I think it is high time the Government got out of the business of shackling the hands of competition.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Markey amendment which would preserve cross-ownership restrictions on cable and broadcast television in local markets, as well as limit the percentage of viewers to which one media company could have access nationwide.

There's a single phrase that defines the unique character of American society and democracy. It's a phrase that we learn as children and carry with us every day, yet seldom pause to reflect upon: ''E Pluribus Unum,'' or ''Out of Many, One.''

This phrase helps explain why the Markey amendment is so important.

It reminds us that America is not monolithic. We are a nation that draws its strength from diversity, that prides itself on pluralism, that relishes the free flow of ideas.

From the earliest days of the days of this country's existence, America has been a calliope of different voices, opinions, and convictions. We've revelled in our pluralism, encouraged robust debate, and fostered an aggressive national press to facilitate free speech.

Public debate is not necessarily convenient for governing, but it's essential for democracy. It allows us to consider all sides of an issue, make sound decisions, and move ahead as one nation with firmness and resolve.

''E Pluribus Unum.'' It's a promise that all points of view will be aired—a sign that democracy is alive and well in the United States.

The Markey amendment will ensure that many voices will continue to be heard in this Nation, that no one will be granted a monopoly on espousing ideas in our communities, that we will continue our proud tradition of vigorous public debate.

In short, the Markey amendment will help preserve the diversity of opinion that is so vital to American democracy.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. FIELDS of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the Markey amendment.

Mr. Chairman, the proponents of the Markey amendment continue to claim that the broadcast provisions of H.R. 1555 threaten diversity and localism, and will lead to an undue concentration of media power in the hands of a few corporations. These charges are simply untrue and unfounded.

H.R. 1555 simply allows one entity to compete in markets that reach up to 50 percent of all the viewers in the country. And in those markets they will be competing with other network-owned or affiliated stations, several independent television stations, up to 100 cable networks, direct broadcast satellites, and the telephone company's video platform.

That sounds like competition and diversity to me.

The contention that H.R. 1555 will harm localism is even more egregious. If that were true, localism would be at risk today. Seventy-five percent of the stations in the country are group owned. And more than 90 percent of those are owned by groups headquarted in cities other than where their stations are located.

Station managers provide local news and information programming because it affects their bottom line. The four major networks own and operate stations in New York City. Yet they are fiercely competitive in the area of local news, information and sports programming. The same is true across the country—no matter who owns the station. Because if they want to keep owning the station, they must provide quality local programming. Why? Because that is what the viewer demands.

Finally, despite the rhetoric you have heard today H.R. 1555 will not set the stage for one giant conglomerate to control all of the mass media outlets in a single market. The bill specifically bars the FCC from approving any acquisition that would result in fewer than three independent media voices in a market. I urge my colleagues to reject the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, this is one area in which we do not need to argue about what would happen if we did not adopt the Markey amendment and left the bill as it is, because there was a time only about 25 years ago when that was the situation in America. What happened? There were not any rules, and we saw these enormous conglomerations of ownership of media arise all over the country.

The rules that the bill is trying to change were rules that came out of the early 1970's, under the Nixon-Ford administration. These were not some wild-eyed liberal scheme. They were designed to deal with the fact, and particularly the fact that in Atlanta, GA, one company owned every single type of news media.

I think it is astonishing that we Democrats complain about the way in which the national media ownership fosters violence on television, and you Republicans talk about how the liberal media is nothing but trouble, yet all at the same time both sides are busy trying to give the same guys that own all of these stations more and more power to own more and more and control more and more.

For goodness' sake, either we are both being hypocrites with our complaints, or else we should not be in favor of this bill unless it is amended. Vote for the Markey amendment and stick up for localism.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I have to tell you that I think my colleague from Massachusetts has got half of this amendment right, and that if you look, we understood as a country there was a problem when oil companies controlled

the oil fields and the refineries and the gas stations. That created a monopoly situation.

You have the same kind of potential, frankly, under the language under the bill itself, if you own TV production facilities, the network to distribute it, and, finally, the stations to broadcast it. I think the gentleman from Massachusetts [Mr. MARKEY] is correct, and we would be much better off with a provision in the bill that says 25 percent, not 50 percent, when it comes to station ownership.

But I have to tell you I think my colleagues has gone off the deep end in this bizarre firewall between cable TV stations and broadcast facilities. You can own a newspaper and a TV station presently, as the Milwaukee Journal and the Washington Post do; you can own a magazine and a TV station, as Post-Newsweek does; or you can own a radio station. In fact, you can own several radio stations in the same community and a television station. You can own a billboard company, a shopping magazine. You can own anything in the world except a cable television operation.

Cable is not evil. We should allow cable to compete. I urge the rejection of the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, for 7 months now, I have tried to be guided in this House by my belief that to complete the transition in this country that we needed to go through, we needed to strengthen the community. That we needed to rely on communities to step up and to become individually responsible for some of the problems that we have in this country.

In fact, as this bill is currently written, I believe that we threaten community values, that it undermines localism and the diversity in the local television markets. In fact, we do need to change the 25-percent law that currently stands on the book for ownership of network TV. But in fact, as it stands in this bill, Mr. Chairman, it will significantly reduce the availability of local programming in my district.

In my district alone, things that might be affected would include the Billy Graham Special, where networks may not see that as a replacement for their prime time viewers; or maybe the tribute to the late Jim Valvano, the great basketball coach from North Carolina State; and a tradition in the South, Christmas parades, local parades, not the Macy's Parade in New York; telethons, that have become a tremendous impetus behind the fundraisers for the United Negro College Fund; or started in Raleigh, NC, a program called Coats for Kids a telethon which raised $60,000 its first year; and the greatest love in the south, ACC basketball. Heaven forbid that would be banned because the national networks said you cannot preempt our programming.

While my colleagues on the other side of the aisle and I disagree, and we may argue about network ownership, the fact is we have to provide local programming. Vote to increase local ownership, but do not kill network programming. Vote for the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of the Markey amendment.

Mr. Chairman, I rise in support of the Markey-Shays amendment to retain regulation of cable rates until cable systems face actual competition.

Following defeat of the Conyers amendment to ward off concentration of competition-stifling economic power in the marketplace, the point we have reached in consideration of this legislation is very similar to where we were with airline deregulation in 1978. In the rush to deregulate aviation, Congress and the administration kept the Justice Department on the sidelines, in an advisory capacity to the Department of Transportation on antitrust and monopoly issues arising out of proposed airline mergers and acquisitions.

The result of this bifurcation of authority—the Justice Department making recommendations, but the DOT making the final decisions on antitrust matters—was that virtually no antitrust action was taken by either Department to sustain competition by preventing monopoly-producing mergers and acquisitions. Within 5 years of passage of the Airline Deregulation Act, there were 22 new entrants into air carrier competition; but, within 10 years, only 1 of those new competitors remained—all the others were either swallowed up by the major carriers, driven into bankruptcy, or reduced to a minor regional carrier status.

In the consideration of legislation to chart the future of the multibillion dollar telecommunications sector, we should learn the lessons of the past. We should not allow in this legislation the same opportunities for concentration of cable TV market power, rate gouging, and the potential for control of all news media in selected markets as we allowed for the airline industry to swallow up competition and create fortress hubs with such great economic power that they can deny market entry to any new potential competitor.

The Communications Act of 1934 clearly has been surpassed by both events and technology and needs to be updated. While technology has changed with astonishing rapidity, human nature has not changed. The 1934 act was more about constraining human avarice and the tendency of power to corrupt than it was about regulating technology.

We need to keep America on the cutting edge of technology; we need to assure that all regions of this country, small, rural communities, as well as major urban centers, can be connected to the entire world through fiber optic cable—the whole paraphernalia of cyberspace—so that anyone can set up business in a community as small as my hometown of Chisholm, MN, and have full access to the worldwide communications network.

The key to realizing that goal is to assure access for all people at affordable prices—and that means protection against the evils of monopolistic control of economic power in the marketplace, the central principle of the 1934 Communications Act.

The underlying principle of communications law has always been to assure universal access, diversity of technology, and local options. This bill, absent the Conyers amendment and the Markey-Shays amendment, will not have enough regulatory power to prevent either the long-distance companies, or the regional Bells from dominating markets in both the broadcast and cable media. This bill opens the way to rapid and massive media market domination by a few economic powerhouses who will quickly gain control of cross-media mergers.

I have great fear that, just as commercial aviation in the deregulation era has bypassed small communities, denying them even essential air service, the same small communities will be bypassed in the communications field, denied adequate universal service, or have to pay exorbitant fees for such service and, in fact, be isolated. Although the bill does include some exemptions for small phone and cable companies from competitive requirements. They are hardly sufficient to protect small rural communities from monopolistic practices. I have heard the appeals of small radio and cable TV stations, expressing the fear that they'll either be bought out or swamped by the competition and I concur with them.

Telecommunications technology is becoming one of the cornerstones of freedom of speech in our society. The information and access to the marketplace of ideas provided by telecommunications and the ability through it to conduct business, to enjoy entertainment anywhere, however remote in this country, is so crucial to a free society that, if we are going to tinker with the Communications Act, then we ought to do it right, rather than live to see monopolies dominate the marketplace of communication and regret today's legislative action.

My conclusion, Mr. Chairman, is that, absent the protections of the Conyers and Markey amendments, the effect of this bill will be monopolistic consolidation of economic power and technological control of the future of telecommunications, producing the

very antithesis of a free and open society.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I rise in strong support of the Markey amendment. In this bill, we have to be very, very careful, that while we open up competition on one hand, we do not shut down voices on the other hand. We all know that in America the people are supposed to be the ones who own the airwaves. But the faster we rush into this telecommunication age, the more we increase the chances that a few wealthy people will control everything that we read, that we hear, that we see, and that indeed is dangerous.

We have laws in this country that say no one person or company can own media outlets that reach more than 25 percent of the American public. We passed that law to promote the free exchange of ideas so no one person could monopolize the airwaves.

But the telecommunication bill as it is currently written changes all that. This bill would literally allow one person to own media outlets that reach 50 percent of the American households. Under this bill, one media mogul could control TV news stories, newspaper headlines, radio ads, cable systems, TV shows, and the information that reaches half of the American households. That is dangerous and it contradicts the very democratic principles that this Nation is based on. The gentleman from Massachusetts [Mr. MARKEY] has proposed an amendment that would set that ownership limit at 35 percent. It is a good amendment. I wish it would have gone farther, but this is the best that we could possibly get in this debate, and I hope it is successful.

I would have liked to have seen it address broader questions, who controls our radios, newspapers, networks, and the who controls the information that controls the lives of American citizens. But this is an important amendment. It improves the bill, it improves access to the American public, and I encourage my colleagues to vote for the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I want to commend the distinguished gentleman from Florida for the cooperation and the concessions which he extended to me and express my good wishes to him. Those changes are good, because they deal with concentration at the local level.

That problem, however, is not addressed in the bill itself now with regard to the national level. The question here is are we are going to have real diversity of expression on air waves that are owned by the public and whose operation is licensed in the public interest by the FCC? With the Markey amendment, that will happen. Without the Markey amendment, that will not happen.

It is important that we see to it that the marketplace of ideas in this country is as broad and diverse as we can make it, and that all persons have access to it. Without that principle being applied, our government is weakened and hurt, and the public debate on great national issues and discussion of matters of concern to this people are hurt.

I would urge my colleagues to vote for the Markey amendment. I would say that that is the best way that we can keep in place the diversity of view which is so important in consideration of important national issues.

Mr. BLILEY. Mr. Chairman, to close debate, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

The CHAIRMAN. The gentleman from Texas is recognized for 6½ minutes.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, I was given the charge by our Speaker and the chairman of the full committee to move our country relative to telecommunication policy into the 21st century, not to crawl back into the 1950's. These rules were written when I was 2 years old, when President Eisenhower was President, and many Americans did not even own a television set.

□ 1230

ABC, NBC, CBS were the only viewing options. There was no CNN, no HBO, no ESPN. Individual American citizens were not even allowed to own satellite dishes without government authorization.

That was real media concentration. Today's media world is fiercely competitive. Viewers have never had more choices with 100 cable networks, direct broadcast satellites, a fourth network and the beginnings of a fifth and a sixth network. H.R. 1555 unleashes the local telephone companies with combined revenues exceeding $100 billion annually to compete in the television video business.

The rules that were appropriate when black and white television sets were the state-of-the-art technology are not appropriate today. The Committee on Commerce dusted off the 40-year-old broadcast ownership rules. We reviewed them. We revised them to fit today's highly competitive telecommunications world. With the few minutes that I have, I want to debunk some of the myths that have been brought to this floor today.

Myth No. 1, that H.R. 1555 will allow only one entity to own every media outlet in a community. The fact is antitrust laws prohibit concentration of ownership in any business sector, including telecommunications. In fact, our bill goes further. H.R. 1555 flatly prohibits acquisitions which result in fewer than three independent media voices in a market.

You should not be fooled by this particular amendment. This amendment does not address radio cross-ownership, newspaper ownership, or ownership of multiple local television stations in one market. This amendment does prohibit, under any circumstances, the ownership of a cable system and a TV station in the same market. That is it, plain and simple. H.R. 1555 prevents concentration or loss of diversity while this amendment addresses only one particular ownership combination.

Myth No. 2: H.R. 1555 would allow one entity to buy 50 percent of the television stations in the United States.

There are approximately 1,500 television stations in our country. Under our bill, a broadcaster would reach the station ownership cap upon buying only one station in each of the top 30 television markets. That is 30 television stations out of 1,500 nationwide.And there is a difference between audience reach and actual market share. You can, under our amendment, touch 50 percent of the population, but you do not necessarily have 50 percent of that audience share.

Myth No. 3: H.R. 1555 will harm localism.

Let me use my own personal example. In Houston, TX, the NBC affiliate is owned by Post-Newsweek, who by the way is supporting the Markey amendment, a small mom and pop operation. The ABC affiliate is owned by Cap Cities; the CBS, by the Belo Corp. out of Dallas. We have a Fox station and we have a Viacom station.

Our localism has gone up because you have those broadcasters competing for viewers to protect their investment. The only way they can protect their investment and attract advertisers is to have audience share. They get that by having good localism. So to think localism is not enhanced when you have openness and have free markets is absolutely wrong.

Broadcasters have the ability to provide local news and other local programming as a major advantage over national delivered cable and satellite services.

This particular amendment is a sweetheart deal. When you really bear down and you look at what is happening, you have got people who want to limit the participants in the acquisition market. When you look at who is sending around these letters, McGraw-Hill, a small mom and pop operation, AFLAC Broadcast Group, that major insurance conglomerate out of Georgia, Post-Newsweek, Pulitzer Broadcasting.

What is this amendment really all about? It is about limiting the participants in the acquisition market. It is not about localism. By the way, there is a benefit to the Washington Post, the New York Times, the Boston Globe, the Atlanta Constitution, because

under the Markey amendment those newspapers can continue to add to their media ownership, their broadcast station ownership. That is not addressed in this particular amendment.

Do not be fooled into thinking that this amendment helps struggling mom and pop operations. It does not. The Speaker has given us the charge to push the deregulatory envelope, to move this country into the 21st century, not crawl back into the 1950's. We need to recognize that technology has changed. There are new combinations. There is a need for economy of scale. This amendment needs to be defeated.

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the broadcast amendment offered by my colleague, Mr. MARKEY of Massachusetts. A lot of hard work and many long hours have been spend providing a delicate balance to all the competing interests in the communication's field. This has not been an easy task. With legislation as encompassing as this, it would be next to impossible to totally please everyone involved. I commend Chairman BLILEY, Chairman FIELDS, ranking members DINGELL and MARKEY on fashioning a bill that guarantees that the American telecommunications industry remains the most open, competitive, and innovative in the world.

Increasing the national ownership cap to 35 percent, which I support, is a 10-percent increase in what is currently allowed under the law. The bill that we are considering would begin with the 35 percent cap, but then would expand this cap to 50 percent in the second year. I fear that this increase would be detrimental to our local stations and the idea of local control.

If local stations do not have the freedom to select programs other than those provided by their network owners, this could result in too much concentration on network control of the distribution system, which I fear would result in network bullying of small affiliates. Additionally, it would be difficult for new networks—or new national competitors—to develop. We must preserve the right of our local television stations to choose their programming, and I urge my colleagues to support this amendment.

Mr. DINGELL. Mr. Chairman, I rise in support of the Markey amendment. As I noted earlier in this debate, this amendment is necessary to correct a deficiency in this bill.

The Markey amendment amends the Stearns' amendment that was adopted by the committee. While Mr. STEARNS was unwilling to compromise on the language of his amendment that repealed the national ownership and cross ownership limitations, we did reach an agreement on the issue of local concentration. That agreement, which is now incorporated in the bill before us, guarantees that there will never be fewer than two independent media voices in even the smallest markets in the country. It further permits the FCC to deny license assignments, transfers or renewals if the Commission determines that the granting of the assignment, transfer or renewal would in combination with a non-broadcast media, result in an undue concentration of media voices in the local market. This is good law, and I would like to commend the gentleman from Florida for his willingness to work with me on this.

But while there are safeguards at the local level, H.R. 1555 goes overboard with respect to national limits and cross-media restrictions. The Markey amendment will permit the type of expansion that I think we all agree the networks need. But is does so in a manner that will preserve the local decision-making about programming decisions that has served our Nation well.

The Markey amendment also retains the broadcast/cable cross ownership prohibition. This provision is necessary because it ensures that if the ''Must Carry'' provisions of the 1992 Cable Act are struck down by the courts, cable operators aren't in a position to purchase local broadcast stations and then deny carriage to the other broadcasters in a community. It is a provision that is important to our local broadcasters, and important to preserve the public's access to diverse sources of information.

Mr. Speaker, I know there are many Members who want to speak in a limited period of time. I urge the adoption of the amendment and yield back the balance of my time.

Mr. MFUME. Mr. Chairman, I rise in support of the Markey amendment. I thank the distinguished gentleman from Massachusetts for offering this amendment which would correct the provision within H.R. 1555 that increases TV broadcast ownership.

As you know, this amendment would limit to 35 percent the percentage of households nationwide that may be reached by TV stations owned by a single network. It also restores the cross-ownership limit which prohibits owners of local TV stations from owning a cable system in the same local market.

However, I still have concerns about the problems facing radio ownership limits. H.R. 1555 would eliminate current FCC rules that limit national ownership of radio stations to 40 stations (20 AM and 20 FM) and which limits local ownership of radio stations to four (2 AM and 2 FM).

All broadcast ownership limitations were instituted to ensure that the public does not receive its news and editorial programming from a select group that controls the Nation's airwaves.

Rather, the present allocation scheme has allowed a diverse set of broadcast owners in each market and has fostered an assortment of news, public affairs and editorial programming.

I fear that the elimination and relaxing of local ownership limits has the potential of deterring future minority participation.

Currently, African-Americans own only 178 of the approximately 10,000 commercial radio stations operating in the country.

The overall effect of this bill is to squeeze minorities, who usually own only one or two small stations, out of the industry.

Repeal of ownership limitations will certainly make it more difficult for small and medium sized firms to grow.

Consolidation will make it very difficult for prospective owners, particularly African-Americans, Hispanics, and Asians, to enter the industry.

This bill unfairly benefits the large broadcast owners at the expense of the smaller companies.

H.R. 1555 will allow media to consolidate in the hands of a few large companies creating an unhealthy concentration of power.

While many argue that deregulation is the best means to bring forth competition, in this case, deregulation would actually decrease competition.

While I would like to have seen current radio broadcast ownership limitations reinstated, I do, however, lend full support to the Markey amendment which would restore some of the limitations eliminated by this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 195, not voting 11, as follows:

[Roll No. 632]

AYES—228

Abercrombie	Ford	Menendez
Baesler	Fowler	Meyers
Baldacci	Frank (MA)	Mfume
Ballenger	Franks (NJ)	Miller (CA)
Barcia	Funderburk	Mineta
Barrett (WI)	Furse	Minge
Becerra	Gejdenson	Mink
Beilenson	Gephardt	Mollohan
Bentsen	Geren	Montgomery
Bereuter	Gibbons	Moran
Berman	Gonzalez	Morella
Bevill	Gordon	Myers
Bishop	Graham	Myrick
Blute	Green	Neal
Boehlert	Gutierrez	Norwood
Bonior	Hall (OH)	Oberstar
Bono	Hall (TX)	Obey
Borski	Hamilton	Olver
Boucher	Hastings (FL)	Orton
Brewster	Hayworth	Owens
Browder	Hefner	Parker
Brown (CA)	Heineman	Pastor
Brown (FL)	Hilliard	Payne (NJ)
Brownback	Hinchey	Payne (VA)
Bryant (TX)	Hobson	Pelosi
Bunn	Hoke	Peterson (FL)
Burr	Holden	Peterson (MN)
Camp	Horn	Petri
Chambliss	Hostettler	Pickett
Chapman	Inglis	Pomeroy
Chenoweth	Jackson-Lee	Quillen
Clay	Jacobs	Rahall
Clayton	Jefferson	Ramstad
Clement	Johnson (CT)	Rangel
Clyburn	Johnson (SD)	Reed
Coble	Johnston	Regula
Coleman	Jones	Richardson
Collins (GA)	Kanjorski	Rivers
Collins (IL)	Kaptur	Roberts
Collins (MI)	Kennedy (MA)	Roemer
Conyers	Kennelly	Rogers
Costello	Kildee	Rose
Coyne	Kingston	Roukema
Cramer	Kleczka	Roybal-Allard
Crapo	Klink	Rush
Cunningham	LaFalce	Sabo
Davis	Lantos	Salmon
de la Garza	Leach	Sanders
DeFazio	Levin	Sawyer
DeLauro	Lewis (GA)	Schiff
Dellums	Lewis (KY)	Schroeder
Dingell	Lincoln	Scott
Dixon	Lipinski	Shaw
Doggett	Lofgren	Sisisky
Doyle	Longley	Skaggs
Duncan	Luther	Skelton
Durbin	Markey	Slaughter
Edwards	Martinez	Smith (NJ)
Ehlers	Martini	Solomon
Ensign	Mascara	Spratt
Eshoo	Matsui	Stark
Evans	McCarthy	Stenholm
Everett	McDermott	Stokes
Farr	McHale	Studds
Fattah	McHugh	Stupak
Fields (LA)	McKinney	Tanner
Filner	McNulty	Taylor (MS)
Flake	Meehan	Tejeda
Foglietta	Meek	Thompson

Thornton	Vento	Wilson
Torkildsen	Visclosky	Wise
Torres	Waters	Wolf
Torricelli	Watt (NC)	Woolsey
Traficant	Waxman	Wyden
Tucker	Whitfield	Wynn
Velázquez	Wicker	Yates

NOES—195

Ackerman	Frisa	Moorhead
Allard	Frost	Murtha
Archer	Gallegly	Nadler
Armey	Ganske	Nethercutt
Bachus	Gilchrest	Neumann
Baker (CA)	Gillmor	Ney
Baker (LA)	Gilman	Nussle
Barr	Goodlatte	Oxley
Barrett (NE)	Goodling	Packard
Bartlett	Goss	Pallone
Barton	Greenwood	Paxon
Bass	Gunderson	Pombo
Bilbray	Gutknecht	Porter
Bilirakis	Hancock	Portman
Bliley	Hansen	Poshard
Boehner	Harman	Pryce
Bonilla	Hastert	Quinn
Brown (OH)	Hastings (WA)	Radanovich
Bryant (TN)	Hayes	Riggs
Bunning	Hefley	Rohrabacher
Burton	Herger	Ros-Lehtinen
Buyer	Hilleary	Roth
Callahan	Hoekstra	Royce
Calvert	Houghton	Sanford
Canady	Hoyer	Saxton
Cardin	Hunter	Schaefer
Castle	Hutchinson	Schumer
Chabot	Hyde	Seastrand
Christensen	Istook	Sensenbrenner
Chrysler	Johnson, E. B.	Serrano
Clinger	Johnson, Sam	Shadegg
Coburn	Kasich	Shays
Combest	Kelly	Shuster
Condit	Kennedy (RI)	Skeen
Cooley	Kim	Smith (MI)
Cox	King	Smith (TX)
Crane	Klug	Smith (WA)
Cremeans	Knollenberg	Souder
Cubin	Kolbe	Spence
Danner	LaHood	Stearns
Deal	Largent	Stockman
DeLay	Latham	Stump
Deutsch	LaTourette	Talent
Diaz-Balart	Laughlin	Tate
Dickey	Lazio	Tauzin
Dicks	Lewis (CA)	Taylor (NC)
Dooley	Lightfoot	Thomas
Doolittle	Linder	Thornberry
Dornan	Livingston	Tiahrt
Dreier	LoBiondo	Towns
Dunn	Lowey	Upton
Ehrlich	Lucas	Vucanovich
Emerson	Maloney	Waldholtz
Engel	Manton	Walker
English	Manzullo	Walsh
Ewing	McCollum	Wamp
Fawell	McCrery	Ward
Fazio	McDade	Watts (OK)
Fields (TX)	McInnis	Weldon (FL)
Flanagan	McIntosh	Weldon (PA)
Foley	McKeon	Weller
Forbes	Metcalf	White
Fox	Mica	Young (FL)
Franks (CT)	Miller (FL)	Zeliff
Frelinghuysen	Molinari	Zimmer

NOT VOTING—11

Andrews	Ortiz	Volkmer
Bateman	Reynolds	Williams
Gekas	Scarborough	Young (AK)
Moakley	Thurman	

□ 1256

The Clerk announced the following pair:

On this vote:

Mr. Andrews for, with Mr. Scarborough against.

Ms. DANNER changed her vote from ''aye'' to ''no.''

Messrs. DAVIS, FOGLIETTA, and PARKER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, earlier today during consideration of H.R. 1555, Communications Act of 1995, I missed rollcall vote No. 632. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 2–6 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life than children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

''(v) Prescribe—

''(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

''(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.''.

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

''(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

''(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

''(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

''(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

''(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

''(A) enables parents to block programming based on identifying programs without ratings,

''(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

''(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.''.

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking ''section 303(s), and section 303(u)'' and inserting in lieu thereof ''and sections 303(s), 303(u), and 303(w)''.

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

Does the gentleman from Virginia [Mr. BLILEY] rise in opposition?

Mr. BLILEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

□ 1300

Mr. Chairman, this is not a debate over how many more hundreds of thousands of miles of fiberoptic may be laid or how many gigabits of additional computer power may be established. All that is find and well, but you cannot measure a nation, you cannot measure a people, by how many gigabits or feet of fiberoptic they have as a country.

You measure a country by its values. You measure a country by who those people are, and that is what this debate is going to be all about, and why the gentleman from Virginia [Mr. MORAN], the gentleman from Indiana [Mr. BURTON], the gentleman from South Carolina [Mr. SPRATT], and I and many others have been working so hard on this issue over the last month.

Mr. Chairman, this amendment will give every parent in the United States a violence chip in their television set, so that they will be able to block out excessively violent and sexually explicit programming that they believe is inappropriate for their 2-year-old, 3-year-old, 4-year-old, 6-year-old, 8-year-old and adolescent children.

All of the ratings will be done voluntarily by the broadcasters. There is no mandate. There is no enforcement mechanism. There is absolutely no connective tissue between this bill and any first amendment violation. The only objective we have is to give power to parents in their own living rooms, not ''big brother'' in New York City, programming hundreds of television programs a week, but ''big mother'' and ''big father'' in every living room, protecting their own children every day of the week.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. PAXON], a member of the committee.

Mr. PAXON. Mr. Chairman, I rise in strong opposition to the Markey mandate amendment and in support of the Coburn-Tauzin substitute. If adopted, the Markey amendment would quickly become known as the Full Employment Act for Government Bureaucrats. If the Markey mandate prevails—a huge new Government Office of Television Ratings may soon be established—because a mandated V-chip just doesn't work without a rating system.

It would require thousands of bureaucrats, costing hundreds of millions of dollars, to view and rate the 10,000 individual shows on 2,000 stations, encompassing 150,000 hours of local and national broadcast programming. Of course, the ratings would be subjective. What is rated as offensive would be decided by Government censors based on their personal interpretation.

The end result, giving the Federal Government unprecedented power to establish standards of morality and decency in the media, unbridled power to the very government many Americans believe has already contributed greatly to the breakdown of values in our land.

My colleagues, I'm certain we are all in agreement, the televised violence and sexual content that daily bombards our homes is harmful to children and society. However, tonight's discussion is not about agreeing on the problem but agreeing on the methods for solving it.

The sound-bite solution suggested by the President—the mandated V-chip—sounds innocuous enough. But, on inspection, it is simply another big-government band-aid that does nothing to address the underlying problem.

First, as we discussed, the Markey chip mandate cannot work without a bureaucratically driven, Government-mandated rating system.

Second, the V-chip will only be installed on new TV's, meaning widespread usage won't be in place until well into the 21st century. So much for fast action to combat televised violence and sexual explicitness.

Third, approval of a V-chip means Congress has chosen one narrow piece of technology over all other parental blocking options. That means the scores of other technologically driven, parental controlled blocking devices now under development may fall by the wayside, further limiting choice and immediate use by families.

There is good news, however, for parents who want help today to control television, and who don't want a more intrusive, big-government involvement in their families. Here's a list of 160 of the 220 currently available TV models, each with parental control features.

In addition there are scores of blocking units under development, many ready to go into production within months, that will economically allow parents to blank out channels, time slots, or individual programs.

It is anticipated that very shortly, these units will move to the next generation using card or diskette readers so families can subscribe to ratings services and easily censor their kids programming.

Then every non-government group that desires can issue their own ratings, maybe the Christian Coalition, or United We Stand, or the ACLU—whomever.

All this well before the Markey mandated V-chip makes its way into a single living room. And, in the case you want an even faster, easier and cheaper way to control kids access to TV, here it is, a $19.95 lockout device. All of these products are relatively new to the marketplace developed in response to growing demands from parents.

Unfortunately, many of these private sector solutions are jeopardized by the one-size-fit-all, Markey mandate. There is another choice. The Coburn-Tauzin substitute would not pick a technology winner but would be the quickest way to get better, more parent friendly blocking devices to market.

Our approach would call on the industry to: First, establish a fund to allow entrepreneurs to develop units to let parents block inappropriate programming, and second, report to the public on the status of these technologies and new improvements.

On the first front, that fund has recently been established and already totals over $2 million. These funds will be used for production, advertising and market research to get blocking products into parents hands.

Third, our substitute requires the GAO to report to Congress on new technologies for blocking, whether they are parent friendly, and the relative availability to the public, and fourth, finally, our substitute strikes the mandate and bureaucracy features of Markey.

My colleagues, tonight the choice is clear. It's Coburn-Tauzin to keep decisions in the hands of parents not government. Or, it's the Markey Mandate Bill which gives a huge new government bureaucracy more power than

ever to inflict their Beltway values on the rest of America.

Vote ''yes'' on Coburn-Tauzin and ''no'' on the Markey Mandate.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARKEY. Mr. Chairman, I would like to know if, under the rules, it is permissible for me to yield 7½ minutes to the gentleman from Indiana [Mr. BURTON] and then allow him to disburse that time as he sees fit.

The CHAIRMAN. The gentleman may yield the time by unanimous consent and the gentleman from Indiana may yield from that time.

Mr. MARKEY. Then, Mr. Chairman, I ask unanimous consent that the gentleman from Indiana be yielded 7½ minutes, and that he be given control of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] is recognized for 7½ minutes.

Mr. BURTON of Indiana. I yield myself 2¼ minutes.

Mr. Chairman, let me just say that this amendment is not just the Markey amendment. It is the Markey-Burton-Wolf-Hunter amendment and a lot of other Republican's amendments. It crosses party lines.

Mr. Chairman, the reason I asked that this be left up here is because what my predecessor at this microphone just said is true, these models will allow parents to block out a channel, but we are in a technology explosion. Almost everybody that has cable or a satellite can receive at least 50 channels and there are going to be 300, 400, 500 channels before long. Can my colleagues imagine a parent blocking out one channel and going to work and thinking their child is going to be safe from pornography and violence on TV? Of course not.

So we need a system where a parent can block out a whole category of violence and sexually explicit programs if they want to, so that a two-parent working family can go to work and know their children, even when they channel surf, while their parents are gone, are not going to see two women, two men, a whole bunch of people having sexual experiences, or see horrible violence in the home.

All we are saying, Mr. Chairman, is give the parents, not government, but the parent the control over what their children see. Ninety percent of the people in the country want that. This does not cut it. This does not cut it because it will only handle one program, one time slot at one time; and it will not protect any child from that kind of violent or sexually explicit material.

Mr. Chairman, in addition to that, there is no bureaucracy that is going to be created, no huge bureaucracy. This is a voluntary rating system that is submitted, if the networks do not come up with one on their own, a voluntary rating system that is recommended. We hope that the parents of this Nation will put pressure on the networks to have them adopt a system, but regardless of what the system happens to be, the total control is in the hands of the parents.

I say to all my colleagues, ''The total control is in the hands of parents in their own home.'' If they do not want certain programs to come in, they block out that category; if they want them to come in, they leave them there. They have got a little pick system in there like a bank money machine.

Mr. Chairman, this is something that vital for the moral well-being of the Nation.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I had an interesting experience about a week and a half ago. I was on the phone in the kitchen and suddenly heard frantic activity in the den just outside and heard a lot of hollering and shouting and things falling off the table and could not figure out what was going on. I went into the room and discovered, there was my 3½ year old, Colin, obviously concerned and upset because as he was watching TV, one cartoon he was watching ended and on came Ren and Stimpy.

My son knows, under orders from mom and dad, that it is off limits for him; and Beavis and Butthead is off limits for his brothers, and NYPD is not appropriate.

Mr. Chairman, I walked into the den and used a marvelous technology so he couldn't watch that show, and it is called the off button. Every television set in America comes with one, and if you do not want your children to watch something, you get off the couch and you turn it off.

Mr. Chairman, for my Republican colleagues, I thought part of last November's election was about personal responsibility, and I as a parent have the responsibility to tell my children what programming is responsible and what programming is not responsible.

If we want to buy this, we can buy it; and if we want to buy the V-chip and it is available on a voluntary basis, absolutely. But it seems to me, again, we are sending the wrong signal, because the signal is, parents are not capable of making these decisions; technology is going to solve it for them. They cannot control what their children watch; the government has got to do it for them.

If we do not like what is on TV, and we want to make sure that our children are protected, we do not need new technology. We need technology as old as the television set itself. We need only get up off the couch, walk 15 feet across the room, and just turn it off.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Markey-Moran-Burton-Spratt V-chip amendment. Many of the issues that we deal with in Congress are propagated right here inside the beltway and then they are exported back home where one group or another stirs up support for them.

Concern about this issue, trouble about this issue, constant indiscriminate violence on our television airwaves, has grown from the grassroots up. If my colleagues do not believe it, they should go home and listen to their constituents and read just about any poll that has been taken on this subject.

Mr. Chairman, vast majorities of the American people and the overwhelming number of our citizens say, it is time we do something to curb the violence on television. According to the American Psychological Association, children see over 8,000 killings on television by the time they reach the seventh grade. The American people quite simply want us to stop this outrage.

They do not want us to stop it completely. If they want to watch it, if they want their children to watch it, then this bill says they can continue to watch it. But these parents, and particularly parents who work and children who are coming home in the afternoon or are there by themselves, they want devices for parents to control the entertainment in their own households, to control the violence and vulgarity that comes in over their televisions sets.

Mr. Chairman, this bill is about parental empowerment, about controlling the conduct of their own children in their homes. These ratings and this V-chip is not going to purge violence or sex from television. They are not even intended to do that. But they will give parents more power over the television set and the type of viewing that comes into their own homes.

Many parents, frankly, may choose not to exercise it. This does not make them use the V-chip. Nonetheless, those who do will send a message to the broadcasters and the producers. It will have an inhibiting effect, I think, on the kind of scripting that they do today; and they will think twice about putting some extra indiscriminate, wanton violence and vulgarity in.

I think it will have a salutary effect. Mr. Chairman, I urge my colleagues to vote against the Coburn substitute.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding, and I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Coburn amendment, and I rise in respect also of the Markey amendment, understanding that the intentions of that amendment are well intended.

I think what we have here, Mr. Chairman, is an issue where we are trying to clean up America and clean up the values in America. That is not the question. The question is, how do we do it, and I think what we have is a device called the V-chip. It is a one-size-fits-all-type device.

It is not going to work for everybody. An adult, for example, who does not have any children, would be mandated to go out and get, if they wanted to get a 13- or 19-inch television set, a set with a V-chip. It could cost them up to $79 extra to get that. But for those of us who have children and who want to see the programming cleaned up, there are alternatives.

Mr. Chairman, just yesterday, the four major networks came out and said that they have an alternative plan. What the Coburn-Tauzin amendment is saying is, we want to come up with the best technology to do that.

□ 1315

We will come up with that technology in the next year, and we will evaluate it and set out the standards and procedures necessary. The GAO will come back with a report no later than 18 months.

Mr. Chairman, with a V-chip my colleagues can have one TV in their house that is V-chip mandated, and the kid can go upstairs into the next room and watch the TV without the V-chip. So the V-chip in and of itself does not solve the entire problem, but what we have is a mandate here by this Coburn amendment that will empower the country and empower the parents to come up with the best technology to solve the problem.

Mr. TAUZIN. Mr. Chairman, with the balance of my time let me reiterate a point. Ninety percent of Americans in the USA polls say they are concerned about violence. I think 100 percent of us in this Chamber certainly ought to be concerned about the violence on television, but there are technologies for parents to use right now. Here is one, the Telecommander, and there are others where parents can buy equipment to put on all the televisions, the old ones and the new ones, not just the new ones that are going to be sold, and, if my colleagues do not plan to handcuff their kids to the new television when they leave the house, the V-chip is not going to do them any good.

There are other technologies on the market. The networks are prepared to help these inventors, these patenters, to bring to us products like this where we can program our set, where the Government is not setting a program for us, but where parents are doing it, and, when we come right down to it, the choice between the Markey amendment and the Coburn-Tauzin amendment and the Molinari amendment is whether or not my colleagues believe parents ought to be making the choice about what their children see or whether my colleagues believe the Government ought to be doing that with a V-chip installed in every new set that will not work anyhow unless somebody is willing to chain their children to the old set.

Mr. Chairman, kids are pretty smart. As my colleagues know, most know how to program these things better than we do, but, more importantly, they are smart enough to know, if only the new set has that control on it, they can just go into the second room and watch the old set.

The truth is the technology is there for parents to control all the sets in their house. Parents have that responsibility today. The technology is being developed over 17 years for this patent alone. The technology is on the market, will be more available on the market in the years to come, and, if my colleagues believe that parents ought to make those choices, that Government ought not be involved in censorship and deciding what kind of programming is going to be available for children, then, my colleagues, vote with the Coburn-Tauzin-Molinari amendment. If my colleagues believe Government has that role, if my colleagues trust Government to decide what is offensive to our families, then vote with the Markey amendment. It is that simple. If my colleagues want something that really works, go with the new technologies, go with the programs that allow parents to control all the sets in their house, not just the one set that the Markey amendment will impose the Government standard on.

Mr. Chairman, it is that simple a choice. Vote for parents' control rather than Government control. Vote for the Coburn-Tauzin-Molinari amendment.

Mr. BURTON of Indiana. Mr. Chairman, before I yield to the gentleman from Virginia, I yield myself 10 seconds. In the 10 seconds I want to say that it does not cost $78. It costs between 7 and 20 cents to add to already technology that is in the sets now for closed caption for the hearing impaired. This is a bogus argument. It is not $78. It is 28 cents to bring this technology forth.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, 20 cents to empower the parents of this country to do what every one of them does with their children today when they ask if they can go to a movie theater, give them a limited number of choices to help them make decisions that they cannot be in that movie theater when their child asks them to go with another friend to see a movie: G, PG, PG–13, R, and C–17, X, and not rated. The V-chip will give them a similar opportunity to do something with television that they cannot possibly do just by reading the newspaper ads.

Mr. Chairman, we have 50 channels on the cable system in Roanoke today. It is going to grow to 100 to 200 in cities across this country. Today the only way parents can exercise that same rating opportunity is to have a technological way to do it built into the television set. The V-chip will give them the opportunity to do that. It is not Government censorship. There is nothing in this bill that empowers the Federal Government in any way to impose these ratings on any of the networks.

But do my colleagues know what is going to happen? Public pressure is going to bring that about because, as soon as one or two of the cable channels, Nickelodeon, or the Disney Channel, or the Family Channel, decides that they are going to put this signal out on their cable channel, and a parent who wants to leave their children alone during the day while they are working will be able to say, ''Only allow those channels to come through on my kid's set that have a rating. Screen out all the ones that are not rated.'' Once we do that, that forces the other networks that are resisting their responsibility. It is their responsibility, not the Government's, and all we are doing is aiding them in the process.

Support the Burton-Markey V-chip amendment. Empower the parents of this country to do what is right, and let us bring about real reform in the television communications industry of this country.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, we are facing a crisis in our society. The violence that we see on television each day is part of an overall trend of desensitization toward the violence that exists on our streets. This violence has transformed American society into a place where violence rules our communities, and law-abiding citizens are afraid to be outside their homes.

Clearly, violence on television is not solely responsible for this breakdown in American society; but it does contribute to it. Our children are assaulted by a barrage of violent, sexually explicit, and otherwise obscene images each night on television. This constant stream of morally reprehensible acts being committed by their favorite characters on their favorite shows has a very real and a very frightening effect on them. Our children are becoming numb to real acts of violence through such constant exposure to ''fantasy'' violence on television. It is time that we take real steps to stop this trend. It is time for the V-chip.

I can tell you, Mr. Chairman, that as a mother of three and a former PTA president, I wish I had a V-chip in my TV when my kids were growing up. The V-chip will help to stem this dangerous tide by allowing parents to stop their

children from viewing violent programs on TV. But make no mistake, the V-chip is not about censorship, and it is not about legislating morality. It is about parental responsibility. And it is about giving parents the choice to protect their children from the harmful effects of violent television programming.

There are very few people left who dispute the notion that violence on television is hurting our children. For 25 years, we have been hearing about the negative consequences of broadcast violence, and today we have the chance to take a real and important step toward solving this problem. The V-chip puts responsibility in the hands of parents to determine what their children should and shouldn't see on TV. It lets parents decide whether they want their children to be exposed to violence. And it will finally tell broadcasters, in very real terms, that violence and pornography and obscenity are not what we want to see on television.

I urge my colleagues to support the Markey amendment.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

(Mr. DORNAN asked and was given permission to revise and extend his remarks.)

Mr. DORNAN. Mr. Chairman, I rise with a heavy heart against the violence chip. I am still thinking it through.

Mr. Chairman, my conservative colleagues who support the V-chip amendment should be reminded of a bit of recent history. Many of you who have served here a spell will remember our good friend Bill Dannemeyer. I doubt a more principled Member of Congress has ever served. I used to call him the ''last honest man in Congress.''

If Bill were here today he would respectfully oppose this amendment. I know this because I remember a time when Bill, clearly with tongue in cheek, offered an amendment to the clean air amendments being debated in the full Commerce Committee. Dannemeyer was tired of Mr. WAXMAN's regulatory morass and the punitive penalties he would put on any business daring to fall out of compliance with Mr. WAXMAN's world view, so our friend Bill Dannemeyer thought he would give his colleague a taste of his own medicine.

Bill drafted a ''clean airwaves amendment'' to the Commerce bill to rid television of the perverted sex and buckets of blood violence which pollute the minds of latchkey kids and finally offend our public sensibilities. The Dannemeyer amendment had high penalties for noncompliance, created a government-sponsored monitoring board to determine what is excessive sex and violence, and even promised to cancel the licenses of habitual lawbreakers.

Mr. Chairman, my point in mentioning this episode is that what our friend Bill Dannemeyer did as a joke, proponents of the V-chip are doing as a serious amendment. I can't support any proposal that gives any portion of respectability to the idea that the Federal Government can frame or force a rating system. And as for Hollywood—Oh Lordy—they will use this to descend further into the pit, shrieking at families ''If you don't like our immoral product then get a V-chip!''

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Chairman, I rise in support of the Coburn substitute. I understand what the gentleman from Massachusetts [Mr. MARKEY] is trying to do, and of course it points out probably the frustration that has gone on as a result of the amount of violence that we have seen on television. But let me say to him and to those that support it, Mr. Chairman, it is the wrong thing to do at this time.

Mr. Chairman, I think that what we need to do is empower parents, and the way we empower parents would be to make it possible for them to control the situation. This is a great moment and a great opportunity. This is an issue that I have been involved in for quite some time, saying that there has been too much violence on television and that our children go to bed seeing killings, and they wake up in the morning seeing people killed, wake up seeing people destroyed, and sometimes I think they get confused in terms of reality because they see a person getting killed on one episode, and the next week he is starring on another episode. I think they are confused about this whole situation.

So, Mr. Chairman, I am convinced that, yes, we must do something, but I am not sure that what is being proposed by the gentleman from Massachusetts [Mr. MARKEY], that that is what we should do. There is affordable and practical technology available for parents that does not require the Federal Government to mandate the use of a V-chip. I strongly believe that broadcasters should decrease violence on the programs, but, as consumers, we can exercise choice in this matter of what our children watch.

Mr. Chairman, that is why I strongly support the Coburn amendment. It provides consumer choice and programming control. If we do not support this provision, it would leave us with no other alternative but to rush down the path of censorship, and I want to caution my colleagues as they rush down the path of censorship. I encourage my colleagues to support this amendment. This is a way to protect our children and to empower our parents, and I think we should seize this moment by voting for Coburn and rejecting the Markey amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise in support of the Markey-Burton amendment.

Mr. Chairman, during my campaign for the U.S. Congress many parents shared their concerns and disgust with the high level of sex and violence on TV. These parents are frustrated because producers of TV shows do not seem to care about what our children watch.

Last fall, when the new TV shows were announced, a town in my district held a church parent ralley because of the sex and violence in the fall shows. Five hundred men and women marched that day. I ask my colleagues, ''Don't you think it is time that we give parents the authority they need to say what and when their children watch TV and what type of programs?''

The Markey-Burton amendment meets all the constitutional questions, and, most important, it is pro-family. Let us give the choice to the parents.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I rise in strong support of the Markey amendment. This is the last chance that we are going to have for a long, long while to give the parents a little bit of help to what their people watch on television, what their kids watch on television, and I am surprised at some of these former broadcasters that got up and made the statements they made.

Mr. Chairman, I used to be a broadcaster. I spent about 12 years on television. I know a little bit about broadcasting. And guess who is going to have a big part in this so-called study under this substitute? The big three, the ones that gave us the situation where they planted a truck and put dynamite in it, and blew it up for credibility, went to North Carolina and did some planning with false employees. This almost destroyed a food chain down there that had worked so hard.

Mr. Chairman, these are the kind of people that are going to be having input into this substitute that absolutely does nothing but another study, and in the meantime this is something that gives the parents one tool to help a little bit in this fight against pornography and degradation on television.

Vote against the substitute and for the Markey bill.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

□ 1330

Mr. BERMAN. Mr. Chairman, I rise in opposition to the Markey amendment.

It is not the notion of requiring TVs to be equipped with a particular device which concerns me. After all, I strongly supported the Decoder Circuitry Act of 1990, which requires circuitry for closed captioning for the hearing impaired.

What troubles me is how this device works. I cannot support mandating technology which hinges on the Government assessing the content of communications protected by the first amendment. Yet that is what the V-chip does.

Consider the task of rating ''Schindler's List.'' Is there violence in ''Schindler's List?'' You bet. But surely no government bureaucrat is going to say ''Schindler's List'' should be blocked by the V-chip, because that

great film has socially redeeming value in its depiction of the horrors of the Holocaust. But stop and think about this: Do we really want, and does the first amendment countenance, the Government deciding what constitutes socially redeeming value which takes programming out of the ''V'' category? I certainly do not.

I am concerned about what our children watch on television. But I want to empower parents, not a government commission, to decide what is and is not appropriate for our children to view.

I am aware that technology is emerging, hopefully hastened by the Viewer Discretion Technology Fund announced this week by the broadcasting industry, which will give parents the opportunity to choose from among many rating alternatives, from the National Education Association, to the Christian Coalition, to the parents' own individually developed assessment, and to block programming accordingly.

I would not hesitate to mandate this type of technology, although the indications are good that the industry is moving toward it voluntarily.

Parents, and not a government commission, should be responsible for what their children watch. And I want to give parents the ability to exercise that responsibility. The Markey amendment fails to do so. I urge its defeat.

Mr. BURTON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I speak today not really as a Member of Congress in the well; I speak as a parent of a 3-year-old and of a 7-year-old. You bet I want to control what they watch. One of my colleagues earlier today said well, just use the off button.

Mr. Chairman, because of this family-friendly schedule, I have be getting home most nights around midnight for the last month, and that will be again the case tonight when I return to Michigan.

Tomorrow morning is Saturday, and like most parents of little kids, my 3-year-old and my 7-year-old are going to wake each other up about 7, maybe 6:30, and they are going to go down those stairs and they are going to have that TV on when I wake up a little bit later. I have a feeling that I will not be up and I will not be able to block out what they may or may not watch.

The argument that the Markey amendment is going to set up thousands of bureaucrats is wrong. It is false.

Mr. Chairman, I have a story that ran in my local paper last week that I am going to read excerpts of and I will include the entire article in the RECORD, but it is headlined this way, ''Violence, Sex Fill The Airways.''

I am a 14-year-old junior high Afro-American female from Benton Harbor. I cannot help noticing the endless amount of times people blame the media for boisterous behavior in teens and young adults. I feel that everyone plays a role in influencing children.

As a teenager I can tell you a lot, that the TV is responsible for much of this. But I have good parents and I am a good kid. You see there are no bad kids, just misguided. Parents needs to band together, stop talking about the problem, and do something about it.

That is what the Markey-Burton amendment does. Let us stop talking about this and oppose a simple study. We know studies are not going to solve this. The evidence is in.

Do what the kids tell us as well as the parents, support the Markey-Burton substitute.

The article referred to follows:

[From the Herald-Palladium, July 30, 1995]

VIOLENCE, SEX FILL AIRWAVES

(By Debbie Allen)

I am a 14-year-old junior high Afro-American female from Benton Harbor. I cannot help noticing the endless amount of times people blame the media for boisterous behavior in teens and young adults. I feel that everyone plays a role in influencing children.

As a teen-ager, I can tell you a lot of influences and causes, including the media. For example, gangsta rap. Now here you have so-called music that calls women ''bitches'' and ''hoes,'' and that not being the worse part. It also tells young boys that it's OK to kill someone.

A prime example is Snoop Doggy Dogg. But you have to think where did it get him? In prison. Need I say more?

But it's only one factor. It's not the only factor. Any video that calls a woman a bitch, especially the black queen, then I don't want to watch it and I definitely don't buy it. They give black people a bad name making it seem like all black people do is sit up smoke blunts (marijuana) and drink beer. Well, my family doesn't.

Like Da Brat says, ''I love to get high, I mean way.'' I bet her parents are proud. Movies also depict sex and violence. They have young kids on there having sexual intercourse, making it seem like everybody's doing it and everybody's not.

All through these movies the women are having sex, most of the time with a different man each time, and you never see them use contraceptives.

Then you have violence on the other hand. If you like violence just watch any movie with Arnold Swarzenegger, Steven Seagal, Jean Claude Van Damme or Bruce Willis. For profanity, watch movies or turn to HBO for Deff Comedy Jam or just pop in a Snoop Dogg or Dr. Dre tape.

But television is also to blame. You turn on the soap operas you see teens having sex, or shall I say rolling around the bed? You see adults doing the same thing. I like soap operas, but I also have to turn because that sickens me. Another example: Beavis and Butthead.

Even talk shows. Just two weeks ago I was watching Charles Perez and the topic was strippers who can't get a date. I saw all these male and female strippers on there dancing and stripping for the audience and the audience putting money in their underwear and their putting their butts in their faces. I mean, come on. My 4-year-old nephew and 3-year-old niece were getting a kick out of this.

But worst of all, Mighty Morphin Power Rangers. The whole half hour they're fighting. They're kids' idols.

''Cosby,'' ''Family Matters,'' ''Different World,'' ''Under One Roof'' and ''On Our Own'' are all fabulous shows. They teach morals.''Family Matters'' is still hanging strong, thank God, but I'm sorry I cannot say the same for the others. Those were all taken off. Why? Only God knows.

Don't get me wrong, there are also good white shows, like ''Full House'' and ''My So-Called Life.'' But you see rock videos also promote constant violence and sex, not to mention if you listen to them too long you get a headache.

But those are just a few causes. Kids need more role models like Martin Lawrence, Usher Raymond, Michael Jackson, Brandy and Willie Norwood and Monica Arnold. Parents need to take control of their children and be good role models, but they need the help of other parents, police officers and especially the media, rappers and stars.

But I have good parents and I'm a good kid. You see there are no bad kids, just misguided.

Parnets need to band together. Stop talking about the problem and do something about it.

Debbie will be a ninth-grade student this fall at Coloma Junior High School. She lives in Benton Harbor with her parents, Albert and Labralla Allen.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I know that many people are well meaning. I know the gentleman from Indiana may be well meaning, but I think there is a lot of fraud being played in the House.

I tell you I heard the gentleman talk about a 3- and 7-year-old. I have got a 9-year-old. The 9-year-old is curious and bright, and I can tell you that it is not 6:30 in the morning, it may be 8:00 at night, and 8:00 at night you do not know what you might be seeing.

This is not something that is compulsory; it allows the parents to choose. But what it does say, it takes away the fraud of suggesting we are going to study it, and it helps the broadcasters.

The broadcasters have a year to get together and talk about the various rating systems. We want them involved, we expect their expertise. Only if they do not do the job does the FCC get involved. I want my bright 9-year-old to be able to sit there and learn and understand and see the world, but I tell you, there are some things that come on that I am sure that you would not want anyone to see.

Mr. Chairman, I want to protect the children. What about you? Stand up for the Markey amendment.

Vote the other one down.

Mr. MARKEY. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I do not get it. How does giving more power to parents mean less responsibility on their part? Does a remote control mean less responsibility? More stations only increases the need to equip parents.

I am fed up with TV violence. Support the Markey-Burton amendment.

Mr. BLILEY. Mr. Chairman, to close debate on our side, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, from the home office of the Family

Empowerment Coalition, the top 10 unintended consequences of the Markey V-chip mandate:

No. 10, bureaucrats will be able to pick the shows your kids watch, but will not read them a bedtime story.

No. 9, rating tens of thousands of hours of shows each year is fun, easy, and fat free, but it will not be cheap.

No. 8, the viewer is upset that V-chip is not as good as the original show with that Ponch guy.

No. 7, Oh, I am sorry, No. 7 has been blocked out by Government censors.

No. 6, Angela Lansbury now stars in ''Jaywalking, She Wrote.''

No. 5, provides jobs for unemployed Federal bureaucrats.

No. 4, will not work on that old out-of-date TV you bought last week.

No. 3, brings back all the intrusive Big Government attitude that we all miss.

No. 2, C–SPAN's annual NEA debate blocked out for sexual content.

And the No. 1 unintended consequence of the Markey V-chip: blocks Regis, spares Kathie Lee.

No on Markey, yes on Coburn.

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Markey-Burton amendment to H.R. 1555 because I believe that there is too much violence on today's television programs. V-chip technology will give parents greater control over the type of programming that their children can watch.

This amendment is important to the parents of America because most parents work long hours and are unable to monitor the type of programming that their children are watching.

This amendment helps promote freedom—freedom of what you choose to look at.

The FCC is the appropriate agency to recommend guidelines and standards for violent and indecent material so that parents can make an intelligent and informed decision. It is critical for the Government to assume this role when the television industry shows little effort to get involved.

I admit that this amendment will not solely resolve the issue of violence on television but it is an important step in the right direction. I urge my colleagues to support the Markey-Burton amendment and help contribute to a better television viewing environment for our young people.

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the Markey V-chip amendment. While well-intentioned, we don't want the Government involved in ratings. This is exactly what the Markey amendment does, and as such it runs afoul of the first amendment.

I think we all agree that parents should be able to control what their children see on television. With more and more channels, this responsibility is more and more challenging. No matter how challenging, however, we should never give up our first amendment rights.

But the V-chip would do just that. It would force the broadcasters to produce programs that are acceptable only to society as a whole. And if broadcasters choose not to rate the tens of thousands of programs they produce each year, the V-chip legislation allows the Federal Commuunications Commission to withhold their license renewals. Let me remind you this is the provision the V-chip supporters are referring to as ''voluntary.''

We need a solution to television violence. There are technologies available to parents—they can go to their local electronics store and purchase them if they wish. There are no first amendment problems with that.

But there are first amendment problems with the V-chip. We can, and should, encourage the electronics industry to continue to provide solutions to assist parents in guiding their children's viewing. And we can, and should, encourage broadcasters to be responsible in their programming. But we should never pass legislation which restricts freedom of speech. This is why I oppose the Markey V-chip, and I hope my colleagues will do the same.

The CHAIRMAN. It is now in order to consider substitute amendment No. 2–7 printed in part 2 of House Report 104–223.

AMENDMENT NO. 2–7 OFFERED BY MR. COBURN AS A SUBSTITUTE FOR AMENDMENT NO. 2–6 OFFERED BY MR. MARKEY

Mr. COBURN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. COBURN as a substitute for the amendment offered by Mr. MARKEY: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. FAMILY VIEWING EMPOWERMENT.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television is pervasive in daily life and exerts a powerful influence over the perceptions of viewers, especially children, concerning the society in which we live.

(2) Children completing elementary school have been exposed to 25 or more hours of television per week and as many as 11 hours per day.

(3) Children completing elementary school have been exposed to an estimated average of 8,000 murders and 100,000 acts of violence on television.

(4) Studies indicate that the exposure of young children to such levels of violent programming correlates to an increased tendency toward and tolerance of violent and aggressive behavior in later years.

(5) Studies also suggest that the depiction of other material such as sexual conduct in a cavalier and amoral context may undermine the ability of parents to instill in their children responsible attitudes regarding such activities.

(6) A significant relationship exists between exposure to television violence and antisocial acts, including serious, violent criminal offenses.

(7) Parents and other viewers are increasingly demanding that they be empowered to make and implement viewing choices for themselves and their families.

(8) The public is becoming increasingly aware of and concerned about objectionable video programming content.

(9) The broadcast television industry and other video programmers have a responsibility to assess the impact of their work and to understand the damage that comes from the incessant, repetitive, mindless violence and irresponsible content.

(10) The broadcast television industry and other video programming distributors should be committed to facilitating viewers' access to the information and capabilities required to prevent the exposure of their children to excessively violent and otherwise objectionable and harmful video programming.

(11) The technology for implementing individual viewing choices is rapidly advancing and numerous options for viewer control are or soon will be available in the marketplace at affordable prices.

(12) There is a compelling national interest in ensuring that parents are provided with the information and capabilities required to prevent the exposure of their children to excessively violent and otherwise objectionable and harmful video programming.

(b) POLICY.—It is the policy of the United States to—

(1) encourage broadcast television, cable, satellite, syndication, other video programming distributors, and relevant related industries (in consultation with appropriate public interest groups and interested individuals from the private sector) to—

(A) establish a technology fund to encourage television and electronics equipment manufacturers to facilitate the development of technology which would empower parents to block programming they deem inappropriate for their children;

(B) report to the viewing public on the status of the development of affordable, easy to use blocking technology; and

(C) establish and promote effective procedures, standards, systems, advisories, or other mechanisms for ensuring that users have easy and complete access to the information necessary to effectively utilize blocking technology; and

(2) evaluate whether, not later than 1 year after the date of enactment of this Act, industry-wide procedures, standards, systems advisories, or other mechanisms established by the broadcast television, cable satellite, syndication, other video programming distribution, and relevant related industries—

(A) are informing viewers regarding their options to utilize blocking technology; and

(B) encouraging the development of blocking technologies.

(c) GAO AUDIT.—

(1) AUDIT REQUIRED.—No later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress an evaluation of—

(A) the proliferation of new and existing blocking technology;

(B) the accessibility of information to empower viewing choices; and

(C) the consumer satisfaction with information and technological solutions.

(2) CONTENTS OF EVALUATION.—The evaluation shall—

(A) describe the blocking technology available to viewers including the costs thereof; and

(B) assess the extent of consumer knowledge and attitudes toward available blocking technologies;

(3) describe steps taken by broadcast, cable, satellite, syndication, and other video programming distribution services to inform the public and promote the availability of viewer empowerment technologies, devices, and techniques;

(4) evaluate the degree to which viewer empowerment technology is being utilized;

(5) assess consumer satisfaction with technological options; and

(6) evaluate consumer demand for information and technological solutions.

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma [Mr. COBURN] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Massachusetts [Mr. MARKEY] seek recognition in opposition?

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts will be recognized for 15 minutes.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to yield 7½ minutes to the gentleman from Indiana. [Mr. BURTON], and that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I yield myself 4¼ minutes.

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Chairman, this is another one of the debates in the House where everybody wants to accomplish the same purpose. The discussion, Mr. Chairman, is about how we go about doing that, and whether or not we violate principles that have dealt us well since we have been a Nation.

This amendment is a worthwhile alternative to the V-chip. It puts parents, not the Federal Government, in the driver's seat on the subject of television program viewing choices.

The amendment of the gentleman from Massachusetts [Mr. MARKEY] assumes only that a congressionally mandated board will know best. The Markey amendment calls on Government to choose one technology over another, not the marketplace. I thought that was what this was all about, the marketplace deciding how we make these decisions.

His amendment calls on the Government to mandate a single technology and develop rating systems and require the transmission of those ratings. Whether it is a Government agency or a Government-mandated board, it is still the same. My amendment says that the market knows best.

With dozens of devices already on the market and dozens more in the development stage, the Federal Government should not be in the business of forcing a single solution on consumers. A statutory mandate will develop much more advanced, better technologies that will empower parents better and further.

There is no question that television is a powerful influence in our society. That is one of the very important reasons why it sould be parents' decision, not the Government. The parents should be making the decisions based on individual family values, not a politically balanced advisory committee.

Broadcasters, too, have a responsibility to assess the impact of their work, and understand the damage that it causes to our youth and our society. This industry must continue to take actual tangible steps towards addressing violence and sexual illicitness.

This amendment, this substitute amendment, will drive that change to empower parents with the latest technology, with the broadest technology to exclude what they decide is inappropriate.

The provisions in my amendment are real, they are tangible steps that will allow the industry and the families through free enterprise and competition to decide what is best for their children.

My amendment would call on the broadcast television cable satellite syndication and other video programming distributors and related industries to, one, establish a technology that empowers parents, not the Government to block programming they deem inappropriate; to establish and promote effective procedures for informing the viewing public as to the affordability and the development of blocking technology; and to evaluate no later than 1 year after date of enactment of this act industry-wide procedures, standards, and advisories or other mechnanisms to inform the viewers regarding available blocking devices.

I am pleased to announce that this fund has been developed and that we will see in the very near future and we do have now technology available to do this on any old or on any new TV, any old or any new TV. Every TV in the home, not just the new one.

Let me be clear. I am not opposed to providing parents with the ability to block programs that they deem inappropriate. Everyone that knows me knows that that is true. I think they should have the responsibility, but it should be the parents' responsibility, not a Government agency, not a Government mandate.

I urge Members to support the Coburn-Tauzin amendment.

Mr. BURTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I agree with my colleague who just spoke. The parents should be the ones who make the decision, but they need the tools with which to implement that decision, and they do not have it right now.

With 50 or 100 channels, there is no way they can block out the objectionable material that is coming across the airwaves. They can block out one channel, one station, one period of time, but they cannot block out the myriad of channels and the myriad of time slots and the myriad of pornography and violence that is coming across the airwaves unless they have this V-chip in their set.

All we are saying is that for 15 or 20 or 30 cents it can be put in a set because that technology is already there. It is in there with the closed captions for the hearing impaired. This Congress demanded that several years ago. So the technology is there.

Now, let me just tell you about the networks. The networks came around to see me, and they said, we will put $2 million. Do you want more? We will put $5 million into a fund to study this, to study this.

Why do they want to study it? Because they know when the ratings start going down on a show because the parents will block it out, the money goes down, and when the money goes down, then the advertisers do not buy the advertising, and when that happens, Mr. Chairman, you send a message to Hollywood really clearly: You clean up your act, and you stop this violence and sex that is coming into the homes, or you will not get the money for it.

That is where we are going to hit them. There have been boycotts in the past that have not worked. This is the greatest boycott in the world because the parents in the home controls what is coming into their homes, what their children are seeing, and if they block that out, then by gosh we are going to see some changes in this country.

The violence we see in our streets, the sex we see, the sex crimes are directly related to what our kids are consuming on television, and here is a chance not for Government but for the parents to control it.

For God's sake, we have been talking about this for years. It is time we gave the parents the tools, and this study he is talking about, the Coburn study, 3 years we will be talking about this. The Coburn study will not do a darn thing. Vote down the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to the Coburn amendment.

Mr. Chairman, we do not need any more studies in this area. No longer can we question that violence and sex that is on TV harms our children and weakens the moral strength of this Nation. Our kids are just not prepared for what is on the airwaves these days.

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We have all heard the refrain, ''Don't control what is on my TV. Let parents decide what their children can watch.'' That is exactly what the V-chip will do, allow parents to decide. Parents have got to be in the position to direct their children, to reinforce the right values, and the V-chip promotes family values, and it does it without infringing and impinging on first amendment rights.

The sweeping telecommunications bill before us touches nearly every single aspect of our communications landscape, but will fail to address parents' number 1 concern, and that is protecting their children from harmful programming. Give the power and strength back to parents. Vote down the Coburn amendment and vote for the Markey-Burton amendment.

Mr. COBURN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think one of the most important points is to recognize that this technology is available today, it is being encouraged. But here is the technology that is not going to be

available if in fact we have the Markey V-chip. We are not going to have interactive television listings. We are not going to use other devices and technologies. We are not going to have set top technology. We are not going to allow the marketplace to come and bring a better method than a government-designed method.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, there is a lot of conservatives on both sides of this question, and I have a lot of respect for the gentleman from Oklahoma, Mr. COBURN, as well as my great friend, the gentleman from Indiana, DAN BURTON. But I think we are talking about here not a government mandate. It is no more a mandate for parents to be able to have a tool to use to decide what their kids are going to see than to have a PG rating or an R rating. That is put out by at least a quasi-governmental board, and yet it is something that is available in the absence of anything else.

The best thing in the world is for a parent to have seen a show and say that show is okay for my kids. That is how we do with the movies generally. But you cannot do that now with this giant menu of shows that are available. There is no working parent in the country who can go through 300 television shows before they leave for work and say I think these are good for the kids. So in the absence of that, with the mom or the dad running out the door to make their second job, they at least, if they want to, can click this V-chip in and perhaps restrain some of the violence.

Mr. Chairman, I think it makes sense. Vote for the Burton amendment and vote against the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, delay it; study it; review it: How many times has Congress dragged its heel and sidetracked legislation that the people of this country want, but well-placed inside lobbyists are desperately trying to stop?

That is what the Coburn amendment represents, because the people of this country want more control over what is coming into their living rooms, but the Hollywood lobbyists are desperately trying to sidetrack the Markey amendment.

The Coburn amendment is a diversion, political cover for those who otherwise would not have any good reason to tell the parents that they represent here in Congress why they voted against giving them the tool to keep pornography, to keep violence, to keep sex, off of the TV and the television programming coming into their living room.

I have a little girl. There is so much I will not be able to protect her about, bad drivers, getting taunted in school. I can protect with the V-chip the television programming in my living room. Vote down the Coburn amendment, vote for the Markey amendment.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. FRISA].

Mr. FRISA. Mr. Chairman, American families are being asked to buy a bag of goods, and what they are being asked to buy is called the censor chip. Now, it might look good, and it might even smell good, but if you really think about it, censorship is a bad idea.

Let us keep the feds out of the family room, and let us stop and prevent a government-issue TV guide, because, after all, mom and dad know better than any Washington censor.

Mr. Chairman, I urge a yes vote for the Coburn amendment because the censor chip crumbles when you read the fine print.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in strong support of the Coburn substitute. It promotes core Republican principles of smaller government, less intrusive regulation, and private sector solutions. It puts parental responsibility where it belongs—in the hands of parents.

This substitute will do more to protect children from objectionable programming than the Markey amendment. The Markey amendment is unfair. While two-thirds of American households do not have children under 18, the Markey amendment requires all TV purchasers to pay for the mandated V-chip.

The Markey amendment is flawed because it still does not protect children as intended. Since most houses have more than one TV set, children will still have access to TV sets not containing the V-chip.

The Markey amendment is also punishes consumers. Approximately 20 million TV sets are sold in the United States annually. Since the V-chip is estimated to add between $5 and $40 to the cost of every TV, American consumers could have to pay an additional $800 million for a feature that two-thirds do not need.

Legislative proposals to curb objectionable TV content, no matter how well intentioned, mean government control on what Americans see and hear. By contrast, the Coburn amendment recognizes that parental responsibility coupled with private industry cooperation is the only viable solution.

The broadcasting industry recognizes that its impact is vast, influencing our lives socially, economically, and politically. That is why it is willing to do more and fully endorses the Coburn amendment.

The broadcasting industry has been working to find solutions. In 1992, the networks adopted joint standards for the depiction of violence. In 1993, the four networks agreed to increase the use of violence advisories. In 1993, ABC launched a 1–800 hotline to inform parents of upcoming programs carrying advisories. In 1994, the four networks also agreed to an analysis of network programming.

I urge all my colleagues to support this amendment that leaves TV content control where it belongs, in the hands of parents—and more importantly—keeps it out of the hands of government.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, encourage it, study it, review it, delay it. America needs to move on this issue, and I rise in strong opposition to the Coburn amendment.

Mr. Chairman, I think all of us recognize that there is too much sex and there is too much violence on television today. I think we all agree that parents should have more control over the garbage that is flowing into their living rooms. But the question is, What are we going to do about it?

All over America parents are taking responsibility. They are coming home and turning the TV set off. But we all know they cannot be there all the time, and they need help, and the V-chip will give them that help.

This is not about censorship. This is not about big government. This is about giving parents the tools they need to stop the garbage from flowing into their living rooms and polluting the minds of their children.

The V-chip is based on a very simple principle, that it is parents who raise children, not government, not advertisers, not network executives, and parents should have a more powerful voice in the marketplace.

That is what the Markey amendment does. I do not come to this floor today and advocate the Coburn amendment, because the Coburn amendment does not do that. We all know it is a fig leaf. It does nothing to give parents control and it does nothing to stop sex and violence. It does nothing to force the industry to change. All it does is kill the V-chip, which is an idea supported by over 90 percent of the American public.

So if you want to endorse the status quo, vote for the Coburn amendment. But if you think parents should have more control, if you think it is values of the family we should be promoting, I urge Members to support the Markey-Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this legislation in a tougher form, in a tougher form, passed the Senate with 73 Members of that body voting for it. Members who were here before, conservatives, liberals, moderates, they are not for Government censorship. They would not

vote for it. People you guys and I respect.

This is not Government censorship; this is very, very simply a tool that we are going to give parents to protect their kids from the filth that is coming across the airwaves.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. BLILEY], the chairman of the committee.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Chairman, I rise in support of the amendment offered by Mr. COBURN. This amendment replaces the simplistic Government-sanctioned solution of mass blocking of television choices with one that relies on individual responsibility.

More importantly, the Markey amendment sets a dangerous precedent of rating the content of programming by a Government appointed board. One can only imagine where such a precedent might lead.

Mr. Chairman, last year the Subcommittee on Telecommunications and Finance held no fewer than eight hearings on the issue of violence in television. What became increasingly clear during these hearings was that the V-chip solution was unnecessary because inexpensive software and set-up technology is available now or will be shortly in the marketplace and second the V-chip only focused on only one segment of the industry—broadcast and cable—and did not address other technologies such as satellite-delivered programming. Finally, the V-chip, combined with a ratings system, raise serious constitutional questions.

The Coburn amendment takes a more reasonable approach by encouraging the deployment of inexpensive technology to enable parents to block any programming they deem unacceptable.

I urge my colleagues to reject the Markey approach and endorse the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, read this substitute. Coburn huffs and puffs for three long pages, and then, and then it blows out of steam. It does not even decree a report. In a long convoluted sentence, what it does is say it is the policy of the United States to encourage the industry to establish a fund to explore the problem further.

This would be laughable if it were not so serious. What this is, this Coburn substitute, is another in a long line of red herrings. It is another attempt to derail and sidetrack a solution to this problem. We have a solution before us, but we will not have an opportunity to vote upon it unless we defeat Coburn first, because Coburn is a substitute and everyone should understand it. It, too, is a V-chip which will block our opportunity to have an opportunity to vote upon the V-chip amendment that many Members of this House on both sides of the aisle support and parents in this country desperately want.

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Mr. COBURN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think it is important that the gentleman from Indiana referred to the Senate because here is what the Senate bill does. It establishes five commission members appointed by the President at salaries of $115,000 a year. It will be an executive branch commission. It may hire staff without regard to Civil Service laws. The salaries are not to exceed $108,000 a year. They can appoint additional personnel as may be necessary to do the 105,000 television shows per year.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I rise in strong opposition to the Markey V-chip amendment.

I realize the authors of this amendment are well-meaning. They see the importance of providing family viewing for American children. My gosh, we all would agree with that. We all share in that goal. That is the one vote that could get 435 votes for that. We do not want any more violence on television.

The debate is about the solution. I disagree with the solution of the gentleman from Massachusetts [Mr. MARKEY]. A censorship commission run by Federal bureaucrats is a horrendous idea. The V-chip will only block programs rated as violent or indecent by the rating commission.

Read the Senate language. We will replace parental choice with a Federal bureaucrat, and I do not trust a bureaucrat in this town to make a sensible decision where ratings are concerned.

I urge my colleagues to vote against the Markey V-chip amendment and vote for the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield myself one-half minute.

Mr. Chairman, the gentleman from Oklahoma just made reference to the Senate bill and knows that that is not the House bill. The House bill does not have any Government censorship. At no time are broadcasters mandated to do any ratings. We mandate that a violence chip be built into television sets, but at no time do broadcasters in fact have to rate their own shows. If they do not do it, they do not do it. But we give them the V-chip.

The Coburn amendment is nothing more than the Hollywood and New York producers wish, that there be no protection for children. Vote no on the Coburn amendment or else the V-chip dies.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Chairman, let us make it perfectly clear. There are two good reasons why the V-chip is a bad idea. The first one is the same old problem we are dealing with in this bill all across the board. The Government picks the technology to solve this problem. When are we going to learn this lesson? We do not need a V-chip. We need a C-chip to keep Congress from choosing the technology that is going to solve all these problems.

Second, let us face it; ultimately the reason there is some coercion in this bill is because the Government is involved. I have got four young children. I spend a lot of time negotiating with my wife over what our children should watch on television. We do not always agree, but I do not mind negotiating with my wife. I do mind negotiating with a bureaucrat in Washington, DC.

Defeat the Markey V-chip amendment. Vote for the Coburn substitute.

The CHAIRMAN. The Chair advises that each side has one remaining speaker. The order will be the gentleman from Indiana [Mr. BURTON] first, who has 4 minutes remaining.

Mr. BURTON of Indiana. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. WOLF], one of the most respected Members of the House.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to Coburn because it will do nothing—everyone knows that—and for the Markey-Burton amendment.

The eye is the gate to the mind. It says it in the Bible. It says it in many other places. Garbage in, garbage out. Good things in, good things out. When I go see the Chariots of Fire, I leave the movies feeling good. But if you go see the Texas Chain Saw Massacre, you go out of the movies feeling not very good.

The working parents are not around all the time. Ozzie and Harriet do not live in America all the time in every house, and they are not around. But many times no one is around, and it has been said that more young women become pregnant in their own house between the hours of 3 and 5 because no one is home. So face the reality. I wish it were different, but it is not that way.

Second, if you try to block out, what show would you block out? Would you block out Married with Children? Would you block out Melrose Place? What about Beverly Hills 90210 or Beavis and Butt-head, that stupid show? Or would you block out the afternoons? What afternoon show would you do? Geraldo? We do not know how to get Geraldo, but how about Jenny Jones? Well, Jenny Jones; is that the show that the guy killed the other person on? What about Ricki Lake? It goes on, and it goes on.

Lastly, to the conservations on this side, back in 1985, I came with the idea to create a national commission on pornography, and it worked. Let me tell you who served on one of those national commissions that the gentleman

from Washington [Mr. WHITE] just ridiculed, Dr. James Dobson. And we set up a standard to bring about prosecution because, under the first term of the Reagan administration, there were no prosecutions of pornographers. But, for that national commission, we changed it around.

Somebody says this is censorship. Who were the Senators, Senator DAN COATS, we all know DAN COATS. He was one of the finest Members that ever served in this Congress. Very conservative. He supported this over in the Senate.

THAD COCHRAN, real flaming liberal over there from Mississippi. He is conservative. MIKE DEWINE, nobody was tougher on crime than MIKE DEWINE.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman should be advised not to make references to individual Members of the other body.

Mr. WOLF. These were Members who voted when they had an opportunity to do it and voted the other way.

I want to look at a quote. This is what it says: ''Unless and until there is unmistakable proof to the contrary, the presumption must be that television is and will be a main factor in influencing the values and moral standards of our society. Television does not, and cannot, merely reflect the moral standards of our society. It must affect them, either by changing or by reinforcing them.''

If we miss this opportunity, it will never come back. The moms and the dads of our districts did not have any lobbyists hanging outside for the last week. They were so busy working, trying to do it, a single parent has the toughest job in the world. This is a good opportunity. If it can be perfect when we go to conference, let us perfect it.

I strongly urge, on behalf of all the kids that are going to come home and watch this garbage, a ''no'' vote on Coburn and an ''aye'' vote for Burton.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, this is not a contest between liberals and conservatives or Republicans and Democrats. Frankly, this is a contest between parental control and corporate PAC's.

There is no parent PAC to protect their interests. Ninety percent of parents in this country support what the V-chip amendment does. But they do not have the means to buy influence over us. They have to rely upon us to do the right thing for them and for our own families.

We enable parents to get the kind of information they need so they do not feed toxic foods into the bodies of their children. Should we not enable them to control the poison that is being pumped into the minds of our Nation's children every single day? That is all this amendment does.

What does the Coburn corporate amendment do that is not currently being done? It mandates an 18-month Government study and then encourages the broadcast industry. That is the extent of it.

Our amendment does not control what parents see or anyone can see. All it does is enable parents to control what their children see.

What we do is to ask the broadcast industry to rate their own programs. Government does not rate their programs. In fact, if a new technology that is as affordable as the V-chip and is as easy to use by parents as the V-chip comes along, fine, it authorizes that as well. Government does not block any programs. It does not even rate them.

My colleagues, we have to vote against the Coburn amendment in order to be able to vote for parents by voting for the V-chip amendment.

Mr. COBURN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the majority leader.

The CHAIRMAN. The gentleman from Texas [Mr. ARMEY] is recognized for 2¾ minutes.

Mr. ARMEY. Mr. Chairman, let us start at the beginning. I love children and I hate smut. I love parents that love their children. I think good parents exercise direction over their children. That is the way it is.

When I was a boy, it was Playboy magazines. We did not have TV. My parents did not need the Government to say whether Playboy should be rated this way or that way. My dad looked at one. He said: Son, you will not buy that anymore. He says: If you buy that anymore, you will not have any money to buy anything with anymore. If you buy it a second time, if you buy it a second time, you will not be able to buy one for a while, and you will not be able to sit down.

My dad was very clear. He told me what was right. He told me what was acceptable. He said: Do not do it; you do it again you are going to be in trouble with your dad because your dad loves you and does not want you reading stuff.

I grew up. I raised five kids. We had a VCR. It has a little clock on it. Nobody could set the clock except the kids. The gentleman from Massachusetts [Mr. MARKEY] says I am going to get something called a V-chip for my grandchildren. And the Government is going to tell me what is good and what is not bad, what is smut and what is not smut. Thank God for that because I never figured it out.

The Government has a system. They will tell me what it is. Now I have to take the time to read the Government report, find what is smut, what is not smut. Then I have got to deal with some new modern electronics. I cannot even use my TV. I do not know how to make the clicker work. But now I am going to find the wonders of the V-chip, and I am going to be smart enough to program it, and so smart that my kids cannot?

Do you think there is a parent alive today that will understand the V-chip better than their kids? I promise you right now, in 60 percent of the homes today it will be only the kids that will be able to program it. But we will all have the great privilege of buying it. The Government will have the power of pretending it is protecting our kids.

There is no way you get to this point, my colleagues, if you accept the responsibility and the privilege, the honor and the joy of having children, you accept the fact that you will determine what it is they watch and what they do not watch. You will give the supervision.

You say both parents work out of the house. My mom and my dad worked out of the house every day of my life. I came home every night after school. I went and I listened to Spiderman on the radio, and I did not read Playboy. My mom and my dad would not tolerate it. They never depended upon any Government-mandated technology or any Government advisory forum. You cannot get away from it.

The parents and only the parents can protect the children. You can make everybody buy the technology. You can put the Government panel out there to make the decisions what is or what is not smut. Lord knows, they have done it, a heck of a job with the NEA. I mean, we have reliable indications that the Government's judgment is dependable. And then we can read the Government reports, and then we can read the manuals and then we can program the set. We can go off to work. I will guarantee you those kids will have used the V-chip to hack into the Pentagon's computer before midnight.

Do not kid yourselves about that. Kids will be kids. They will be unruly unless parents are parents. The Government cannot do it.

You can buy into that old line that my momma taught me to avoid: Trust me; I am from the Government. Do what I mandate of you, and your children will be safe. And take your chances with that at more cost, more expense, more confusion and more Government control through more big Government.

Or you can just simply say: I am your mom. I am your dad. You are the kid. I am the parent. You will do what I tell you to do, as parents have done for years.

□ 1515

Frankly, most of the kids have worked out pretty well without the Government.

It is a very simple thing. It is about control by the Government, mandate by the Government, or freedom and responsibility for loving parents.

Mr. Chairman, I say vote ''no'' on the Markey amendment; vote ''yes'' on the Coburn amendment. Dare to try a public policy that bets on the goodness of the American people, rather than the guile of the Federal Government.

Mr. WAXMAN. Mr. Chairman, there is wide agreement in this country that violent and sexually explicit programming desensitizes children and can influence their behavior and emotional development. But changes in society and technology have made it more difficult for parents to monitor their children's exposure to television programming. The challenge we have today is to provide parents with new and better tools without involving the Government in the determination and distribution of content.

If we give the Federal Government the authority to establish a ratings committee, to determine its members, and to assess the adequacy of the ratings that are established, we will be in violation of the first amendment. Such a process will inevitably become politicized by Members of Congress dissatisfied with the ratings that are established and they will want to impose their own judgment on content regulation. This approach will result in years of litigation and ultimate rejection by the Federal courts.

As much as the American people resent unwanted exposure to offensive programming, they have a strong belief in protection against Government censorship. I urge my colleagues to oppose a mandatory system that would undermine the first amendment and instead work to craft a policy that balances our desire to help parents protect their children with the fundamental right of free speech.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announced that in the event a recorded vote is ordered on the underlying Markey substitute, that vote will be reduced to 5 minutes.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 201, not voting 11, as follows:

[Roll No. 633]

AYES—222

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hutchinson
Inglis
Istook
Johnson, Sam
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Parker
Paxon
Peterson (MN)
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Smith (MI)
Smith (TX)
Smith (WA)
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Towns
Traficant
Tucker
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Zeliff
Zimmer

NOES—201

Abercrombie
Baesler
Baldacci
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Bishop
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burton
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Dooley
Dornan
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Horn
Hoyer
Hunter
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
LaFalce
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Rivers
Roemer
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Solomon
Souder
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Torres
Torricelli
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—11

Andrews
Bateman
Moakley
Ortiz
Quillen
Quinn
Reynolds
Scarborough
Thurman
Williams
Young (AK)

☐ 1436

Mr. MINGE and Mr. DORNAN changed their vote from ''aye'' to ''no.''

Messrs. METCALF, MCHALE, GREENWOOD, HOUGHTON, LEWIS of Kentucky, MATSUI, HOLDEN, CHAPMAN, and Mrs. VUCANOVICH changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mrs. MINK of Hawaii. Mr. Chairman, today I rise in strong opposition to H.R. 1555. The initial aim of this legislation was just to deregulate the communications industry, create completion, lower prices and improve telecommunications services. What we have before us today is actually the opposite. It stifles competition and is anti-consumer and creates monopolies.

H.R. 1555, with its manager's amendment, promotes monopolies at the expense of competition through mergers and concentrations of power.

H.R. 1555 allows local exchange carriers that compete in the long-distance market to discriminate against long-distance competitors by giving preferential treatment to its own long-distance operations in pricing and providing access services. In the overwhelming majority of markets today, local exchange carriers maintain control over the essential facilities that are needed to complete telephone services. The inability of other service providers to gain access to the local phone carrier's equipment will inhibit fair competition.

When you allow an excessive number of in-region buyouts between telephone companies and cable operators and permit the acquisition of an unlimited number of radio stations and newspapers, you stifle competition and suppress the diversity of content and viewpoints.

Instead of generating competition, H.R. 1555 would let cable and phone companies merge in communities of less than 50,000. As a result, nearly 40 percent of the Nation's homes could end up being served by cable and phone monopolies. This will limit access and stifle diversity of content and orchestrate conformity of viewpoint. Allowing one individual to own up to 50 percent of an industry destroys competition and filters the amount of information that citizens receive. This is contrary to our sacred rights of freedom and cripples diversity.

In 1984, Congress enacted omnibus cable legislation which, in essence, deregulated the cable industry. While this deregulation encouraged further expansion of the industry, it also gave many cable operators the opportunity to exploit their monopoly status and raise rates on subscribers. In response to consumer complaints, Congress passed the 1992 Cable Act to restrain monopoly price hikes and encourage the development of competition by making access to cable programming available to competitors. As a result of the 1992 act, cable rates stabilized and costs to consumers for equipment and installation dropped in many locations. But now, passage of H.R. 1555 threatens the affordability and quality of basic service for all cable subscribers. Do we really want to return to those days when cable companies charged consumers exorbitant rates?

Perhaps the most detrimental effect of this bill is eliminating the authority of the Justice Department to review anti-trust practices. Not allowing the Department of Justice to evaluate a request to enter the long distance market increases the probability that a phone company, like the Bell operating company or its affiliates, could use market power to substantially impede competition in the manufacturing or long-distance market. We need the Justice Department to be involved in this process to ensure adequate competition and protect the rights of consumers.

H.R. 1555 needs to deal with the issue of harmful, violent, pornographic, obscene programming our children are exposed to. I favor including V-chips on TV sets because parents, not the Government should decide what to block. Under this plan, cable programmers decide what ratings will be attached to a particular show and parents then can choose if the material is suitable for their children through the use of the V-chip. This is not censorship; this is the right to protect our children.

This bill makes sweeping changes to current telecommunications laws. Instead of creating more choices for consumers, this bill creates monopolies and stifles competition. We must not allow this kind of concentration of telecommunications. Instead we should be finding ways to provide universal service in all aspects of telecommunications. What we should be doing is promoting competition so there will be choices; so that the consumers will have the ability to pick and choose. This bill harms consumers and I urge my colleagues to vote against H.R. 1555.

Mr. SANDERS. Mr. Chairman, this telecommunications bill cripples consumer protections and should be soundly rejected. It is being touted as pro consumer when, in reality, it will cause inflated rates and will limit consumer choice. It is touted as pro-competition when it actually promotes mergers and the concentration of power.

It ignores the success of the 1992 cable regulations which provided some $3 billion in savings to cable consumers. It deregulates cable rates within 15 months and immediately deregulates cable companies that serve about 47 percent of Vermont's cable subscribers. In rural areas there just aren't enough customers to sustain more than one or two local cable companies. Without sensible regulation, these companies would be able to raise rates on their captive consumers.

Furthermore, if this bill becomes law, the FCC would no longer be allowed to review rate increases when it receives a customer complaint. The greater of 10 subscribers or 5 percent of the subscribers must complain before the FCC can review a rate hike.

This bill also substantially weakens laws that prevent media monopolies and removes the law that prohibits one owner from controlling the major newspapers, networks, and cable stations that serve a community. It makes it easy for a handful of media moguls to buy up every source of news, especially in rural areas. This would lead to less diversity of opinion, more prepackaged programming, and less local programming.

This bill has been widely criticized by virtually all consumer advocacy groups, President Clinton has threatened a veto, and I strongly urge a ''no'' vote.

Mr. COSTELLO. Mr. Chairman, I rise today to offer my comments on H.R. 1555, the Communications Act of 1995.

I support reforming our telecommunications industry so that it can move into the future and help all American consumers. I consider this legislation one of the most important bills we will vote on this year, perhaps this entire session, since it will impact every single American consumer.

From the beginning of this session, the intent of this legislation was to free up competition in local markets, to allow long-distance companies to begin competing with local Bell companies for local service, and allow the Bells to enter the long-distance market. That was the thrust of the legislation which was passed several weeks ago by the Commerce Committee.

However, early this week, Speaker GINGRICH directed the chairman of the Commerce Committee to alter the bill, in an amendment approved today. It makes drastic changes to the telecommunications legislation, changes which saw no hearing and upset the careful balance achieved by the committee bill.

This legislation now repeals the regulations on cable companies which are intended to keep rates low, meaning we could see a return to the late 1980's and early 1990's when cable rates skyrocketed. In addition, it removes any role of the Justice Department, which should have a hand in ensuring that monopolies are not created by this bill.

My intent is to pass legislation which enhances technology access and provides the consumer with a wider range of telecommunications opportunities at a reduced cost. However, this bill as written is weighted too heavily against balanced competition, which is essential to benefit the consumer, the Bell companies and the long-distance telephone companies.

Mr. Speaker, I want telecommunications reform. However, I will vote against final passage of this bill in its current form.

Mr. BONILLA. Mr. Chairman, I rise today in support of H.R. 1555, The Communications Act of 1995. This legislation benefits all Americans including those living in rural America. Those living on the ranches, farms and small towns of south and west Texas will benefit along with those living in San Antonio and other big cities. It is essential that our rural residents continue to have equal and affordable phone service.

This bill protects universal service while promoting technological advances—rural Americans should share in the benefits of these technologies. I believe that this bill gives proper consideration to providing protection for rural communities where our consumers are spread thinner and the cost for providing services can be much higher. I'm pleased that this bill recognizes that our rural communities operate under unique service conditions which must be addressed.

This bill broadly deregulates and opens markets to fair competition, while providing protections to rural local telephone companies. Low cost and availability of service have always been the concerns of rural telecommunications customers in communities like Alpine and Del City, TX. H.R. 1555 contains important protection for these communities including universal service principles that provide for comparable rural/urban rates and service, as well as a contribution to the support of universal service by all providers of telecommunications services.

This bill establishes a Federal-State joint board to recommend actions that the Federal Communications Commission and States should take to preserve universal service. This joint board will evaluate universal service as our telecommunications market changes from one characterized by monopoly to one of competition. The board will base its policies for preservation of universal service on the concept that any plan adopted must maintain just and reasonable rates. It will work with a broad recommendation to define the nature and extent of services which comprise universal service. The board will also plan to provide adequate and sustainable support mechanisms and require equitable and non-discriminatory contributions from all providers to support the plan. The plan seeks to promote access for rural areas to receive advanced telecommunications services and reasonably comparable services. The board will also base its policies on recommendations to ensure access to advanced telecommunications services for students in elementary and secondary schools in our rural areas.

The purpose of H.R. 1555 is to promote competition and reduce burdensome regulations in order to secure lower prices and higher quality services for all American consumers, including those that live in rural areas. Without the policy and direction provided in this bill, the transition for our rural communities into the information age would be restricted.

The residents of all rural areas of our country, including the 23d District of Texas deserve nothing less than the chance to participate in the new technologies, services and market conditions that will affect us well into the next century. This bill gives them that opportunity. Let's not deny our rural residents this chance. I respectively urge you join me and vote for H.R. 1555, The Communications Act of 1995.

Mr. BARTON of Texas. Mr. Chairman, independent directory publishers currently rely on local telephone companies, who hold over 96 percent of the telephone directory market and

have total control over access to subscriber list information. Section 222(a) of H.R. 1555 requires carriers providing local exchange phone service to provide this information on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request.

Independent publishers have pioneered many of the innovations in the directory industry, including coupons and zip code listings. Yet, because of problems in accessing subscriber listing information at reasonable rates, many independent publishers now find it extremely difficult to compete. In many States, independent publishers are forced to wait until the local carrier's directories are published before they can obtain the subscriber list information necessary to publish their own directories.

Even when subscriber lists are available, independent publishers often encounter significant competitive obstacles. As the Commerce Committee report on this provision indicates, over the past decade, some local exchange carriers have charged excessive and discriminatory prices for subscriber listings. In one case in my area of the country, a jury awarded $15 million in damages when it found that a telephone company had raised listing prices by 200 percent in an effort to drive an independent publisher out of business.

The Commerce Committee report makes it clear that (r)easonable terms and conditions include, but are not limited to, the ability to purchase listings and updates on a periodic basis at reasonable prices, by zip code or area code, and in electronic format. The report further indicates that section 222(a) should ensure that telephone companies will be fairly compensated. In order to avoid future excessive pricing, this statement incorporates the concept that prices be based on the incremental cost of providing the information to the independent publishers.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I support many of the improvements to telecommunications law which are contained in H.R. 1555, and I have worked long and hard to ensure open competition in the telecommunications marketplace. Nevertheless, I found it necessary to oppose H.R. 1555 on final passage.

My rationale for opposing the bill stems primarily from my concern for small minority businesses in the industry. Often, a complete deregulation results in the larger, more well-established companies consuming those small businesses that have created a niche for themselves in an industry. H.R. 1555, in its current form, offers little protection for small minority businesses in the telecommunications industry. Minority ownership of telecommunications companies, most notably radio and television station ownership, is threatened by the bill, and out of respect for the minority media industry, I opposed the bill. Mr. Chairman, I hope that as we proceed to conference with the Senate on this legislation, we can focus more closely on the needs of minorities in the ownership of media organizations.

Finally, I wish to stress that my vote today was not an objection to the inexorable progress of technology in the telecommunications industry. I realize that this progress is coming, and will be a part of our society in the future. I welcome this new technology, and hope that all Americans can be included in the promise this progress holds.

Mr. STARK. Mr. Chairman, I am very disappointed that the cable television industry will be deregulated as a result of the Telecommunications Act of 1995. Many of the consumer safeguards that resulted from the 1992 Cable Act are being swept away as a result of this legislation. The 1992 Cable Act helped keep the cable operators honest and was effective in saving consumers approximately $3 billion. True competition is still a few years away and without the necessary protections, cable operators will very likely raise their rates and overcharge their costumers for service.

From 1986–1992, when the cable industry was last deregulated, cable prices rose at three times the rate of inflation. Only when the Congress passed legislation in 1992 did the cable operators become more responsible. If cable regulations are removed, the consumers of this country will suffer.

Mr. ORTON. Mr. Chairman, H.R. 1555, the ''Communications Act of 1995'' makes major changes in our telecommunications industry. These changes will have a profound effect on consumers, on businesses, and on our society.

While much of the focus of this bill has been on industry giants fighting for market share, a number of us in the House have been very concerned about the effect of these changes on the availability and affordability of access for all Americans to emerging technologies, through the Information Superhighway.

As this bill made its way to the floor, it became apparent that the legislation simply did not contain adequate provisions to promote and ensure affordable access to this Information Superhighway for our Nation's elementary and secondary schools, public libraries, and rural hospitals.

Therefore, I joined my colleagues CONNIE MORELLA of Maryland, ZOE LOFGREN of California, and BOB NEY of Ohio in offering an amendment to the bill to address this important issue.

We were of course disappointed that the Rules Committee failed to make our amendment in order. However, we were most heartened last night to hear the distinguished chairman of the House Commerce Committee acknowledge that such a provision is included in the Senate bill, and give his assurance that he will work to see this preserved, so that the intent our amendment will be carried out in the final legislation.

I certainly understand how time constraints may have prevented the consideration of our amendment, as well as many other important amendments. However, I believe that our proposal has strong bipartisan support, and that it would have passed, if we had an opportunity to vote on this amendment.

Therefore, the chairman's comments on the floor last night are most appreciated. They serve to clarify that the failure to have an affordable access provision in H.R. 1555 does not indicate a lack of support in the House for such a provision. And, combined with the provisions in the Senate bill, they give us strong hope that such provisions will be included in any conference bill we send to the President.

Let me explain why this provision is so important. Almost everyone understands that the telecommunications revolution is changing our life, providing exciting new opportunities. Distance learning can provide tremendous opportunities to schools with limited resources. Access to the Internet can dramatically expand the resources of libraries. And the emergence of telemedicine holds hope for cost-efficient advances in health care, especially for rural patients and hospitals.

Yet, as our society increasingly takes advantage of the Information Superhighway, with its myriad applications, we face a very real danger that millions of Americans living in rural areas or of modest means may be left off. For example, today only 12 percent of the Nation's classrooms even have a telephone line, and just 3 percent are connected to the Internet. The danger is that we may create a society of information haves and have-nots.

The Senate recognized the importance of this issue by approving the Snowe-Rockefeller-Exon-Kerry amendment to the Senate telecommunications bill, S. 652. Under the Senate bill, providers of advanced telecommunications services are required, upon a bona fide request, to provide such services to elementary and secondary schools and libraries at discounted and affordable rates. In addition, such services shall be provided to rural health care facilities and hospitals at ''rates that are reasonably comparable to rates charged for similar services in urban areas.''

In contrast, the House bill does not contain language which effectively addresses the issue of affordable access. Instead, there is only a weak reference to this issue in section 247, the section of the bill which provides for the preservation of universal service.

Under this section, a joint Federal/State board is required to make recommendations to the FCC and State public utility commissions for the preservation of universal service. Subsection (b) goes on to identify principles that this joint board should base its recommendations on. Subsection 5 addresses the issue of access to advanced telecommunications services. Specifically, subsection 5 says this plan should include recommendations to ''ensure access to advanced telecommunications services for students in elementary and secondary schools.''

In simple terms, advanced telecommunications services are the means of access to the Internet, the emerging Information Superhighway. As such, this language is clearly inadequate. By itself, ensuring access is an empty and meaningless proposition. Access to anything is generally available, at a certain price. To be meaningful, such access must be affordable.

By way of illustration, 30 years ago, every American had access to college. That is, anyone could file an application, and probably pay the $20 or so application fee. However, without student loans and other financial assistance, such access was meaningless for millions of Americans. Only if access is affordable is it meaningful.

Therefore, the Morella-Orton-Ney-Lofgren amendment would have addressed this issue by adding the word affordable to the access requirement in section 247(b)(5). Second, our amendment would have expanded the range of those institutions eligible for affordable access to the Information Superhighway to include public libraries and rural hospitals engaging in telemedicine.

In offering this amendment, we had strong support from numerous organizations active in this area. At the end of my statement, I would like to include a letter of support from 33 organizations, including the National Association of

State Boards of Education, the National Education Association, the American Library Association, the International Telecomputing Consortium, and many others.

To quote from this letter:

without a national commitment to ensuring affordable access to emerging telecommunications, the United States will fall short in preparing all of its citizens to compete in the new global, information-based economy. . . . Unfortunately, H.R. 1555 lacks strong language which makes that necessary commitment. . . . We encourage you to adopt language in H.R. 1555 which ensures elementary and secondary schools and pubic libraries affordable access to the telecommunications and information technologies which are the future of American prosperity.

As we move to conference, I know I am joined by many others in the House who care deeply about the preservation of an affordable access provision. I am pleased to see strong provisions in the Senate bill, and heartened to hear the House Commerce Committee chairman's commitment to this issue in the House. Inclusion of this provision in a telecommunications conference bill which becomes law will be a critical step in making the technological advances of the 21st century available and affordable for all Americans.

SUPPORT AFFORDABLE TELECOMMUNICATIONS ACCESS FOR OUR NATION'S SCHOOLS AND LIBRARIES

July 26, 1995.

Member, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The following organizations are writing to ask for your support of the Orton/Morella amendment providing for affordable access to the Information Superhighway for schools, public libraries, and rural telemedicine. This amendment is expected to be offered to H.R. 1555, the Communications Act of 1995.

We cannot expect to increase the productivity of our schools and increase the learning at the rates that are needed without affordable access to technology. The Orton/Morella amendment includes provisions that will ensure that all of our Nation's elementary and secondary schools and public libraries have universal and affordable access to telecommunications and information services.

The National Information Infrastructure (NII) promoted by H.R. 1555, and a technologically literate public, together form the foundation of America's future competitiveness and economic growth. However, without a national commitment to ensuring affordable access to emerging telecommunications, the United States will fall short in preparing all of its citizens to compete in the new global, information-based economy. And it is clear that commitment has not yet been made. For example, less than three percent of American classrooms and only 21 percent of our public libraries (13 percent in rural areas) have access to advanced telecommunications services infrastructure for instructional purposes.

Unfortunately, H.R. 1555 lacks strong language which makes that necessary commitment. First, the measure fails to recognize the critical role of public libraries in providing information services to the communities they serve. Perhaps more importantly, though, it fails to recognize that unless schools and libraries and the people they serve are able to access the NII affordably, the tremendous resources available on the Information Superhighway will not be utilized to their fullest potential.

We encourage you to adopt language in H.R. 1555 which ensures elementary and secondary schools and public libraries affordable access to the telecommunications and information technologies which are the future of American prosperity.

Specfically, we are requesting that the House Rules Committee make the Orton/Morella amendment in order or that the provisions of this amendment be included in a managers amendment to H.R. 1555.

Sincerely,

American Association of Community Colleges (AACC), American Association of School Administrators (AASA), American Federation of Teachers (AFT), American Library Association (ALA), American Psychological Association (APA), Association for the Advancement of Technology in Education (AATE), Association for Educational Communications and Technology (AECT), Association for Supervision & Curriculum Development (ASCD), Coalition of Adult Education Organizations (CAEO), California DC Education Alliance: California Teachers Association, Association of California School Administrators, Urban School Districts in California, California Department of Education, Center for Media Education (CME), Computer Using Educators (CUE), Council for American Private Education (CAPE), Coucil of Chief State School Officers (CCSSO), Council for Educational Development and Research (CEDAR), Council of Great City Schools (CGCS), Consortium for School Networking (CoSN), Educational Testing Service (ETS), Far West Laboratory (FWL), Federation of Behavioral Psychological and Cognitive Sciences (FBPCS), The Global Village Institute, Instructional Telecommunications Council (ITC), International Telecomputing Consortium, National Association of State Boards of Education (NASBE), National Association of Elementary School Principals (NAESP), National Association of Secondary School Principals (NASSP), National Education Association (NEA), National School Boards Association (NSBA), Organizations Concerned about Rural Education (OCRE), Public Broadcasting Service (PBS), Triangle Coalition for Science and Technology Education (Triangle), U.S. Distance Learning Association (USDLA), Western Cooperative for Educational Telecommunications.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to speak on H.R. 1555, the Communications Act of 1995.

I am going to support H.R. 1555—but with reservations.

I am concerned, for instance, over the very complicated relationship between long-distance carriers and the local companies.

Over the past few weeks, after this bill was reported out of committee, this complex measure has been revised considerably.

I have no doubt the extra work was necessary to some extent in order to level the playing field. H.R. 1555 is an exceedingly complex bill that will impact every American.

It is always difficult to substantially change the landscape of entire industries—as H.R. 1555 does.

My preference is that we take the time to continue to address what I see are problems with this legislation. If it takes a few extra weeks or months, so be it.

The legislative process, however, is about compromise. And so in the end, I voted for final passage of H.R. 1555. It does promote additional competition, and opens up many barriers between telephone and cable services, and indeed, the entire telecommunications industry.

It also corrects many of the problems with the Cable Act of 1993.

Mr. Chairman, I voted for this measure because, though I don't agree with all of its provisions, it accomplishes a great deal.

We have moved forward with this bill. On balance, I believe it will be good for the American people.

Mr. PORTMAN. Mr. Chairman, I rise in support of this carefully crafted legislation because I think it will be good for the consumer. However, I do have some concerns about the impact of this bill on my constituents, who for more than a century have been provided with excellent telecommunications service by Cincinnati Bell. Notwithstanding its name, Cincinnati Bell is an independent—not a regional Bell—company. It has installed in our area one of the most modern and technologically sophisticated local networks. This benefits consumers in our area. In fact, because of Cincinnati Bell's strong commitment to serving the Greater Cincinnati area, we also have among the highest rate of universal service in the country.

Mr. Chairman, I support the pending legislation. But, the Senate bill in some ways better recognizes the circumstances of a company like Cincinnati Bell, and the consumers they serve, than the legislation before us. That is why I rise today to encourage my colleagues to join me in urging our conferees to pay particular attention to the needs of the people served by independent companies like Cincinnati Bell when this legislation is considered in conference.

Mr. FAZIO. Mr. Chairman, although we are well into the Information Age, our Government's response to the need to revamp our national telecommunications policy lags behind. Technological advances make possible the formation of new and hybrid services that do not fit into traditional categories, creating for the first time the possibility of true competition in many telecommunication fields. Today we have the opportunity to make our national telecommunications policies respond to the dynamic age in which we live.

I support final passage of this legislation because I believe it is critical for telecommunications policy in this country to move forward. If we proceed with the status quo, consumers will continue to be denied state-of-the-art services and products. U.S. competitiveness in telecommunications will continue to be in jeopardy due to antiquated restrictions on involvement in new technology. Industry and investors will not be able to effectively plan for the future. After years of debating this bill, it is time for Congress to step up to the plate.

H.R. 1555 would lift the current restrictions that prevent the telephone, cable television, broadcast television and other companies from competing in each others markets. This legislation will pave the way for a new climate where competition would replace monopoly regulation in the communication sector. H.R. 1555 will allow our country to take an important leap forward in the information age, gradually allowing telecommunications companies into other communications technologies, while guaranteeing ample consumer protections. This new competition will provide long-term consumer benefits in terms of more competitive pricing and increased choice in service.

However, it is with some reservation that I come to support final passage. I regret that some of the more contentious provisions of this bill were not resolved through the more

traditional committee process. I think it is important to note that just 1 year ago, this body passed a similar plan to revamp telecommunication law which gathered much broader support. I believe that this bill struck a more balanced approach, evidenced by the overwhelming vote of 430 to 3 in the House of Representatives.

Nevertheless, the overall need for telecommunications reform demands that Congress act on H.R. 1555. As the millennium approaches, we must ensure that our Nation is equipped for the global challenges of the new information age. We must ensure our children have access to the information infrastructure that is rapidly developing. Passage of a comprehensive telecommunications reform measure is needed now.

Mr. ROSE. Mr. Chairman, I rise to express serious concerns over H.R. 1555, the big telecommunications bill. Like a lot of the legislation that is considered by this body, this legislation has its good points and its bad points. After hearing from many of my friends on all sides of this issue and studying the ramifications of passing this legislation, I am convinced that H.R. 1555 needs to be sent back to committee for some reconstructive surgery. I understand that this legislation passed the Commerce Committee with a strong bipartisan vote. But that did not last. It appears that the manager's amendment is about to change the looks of H.R. 1555 a bit, in fact, quite a bit. In the process, it has all but ignored H.R. 1528, which the Judiciary Committee voted out 29 to 1 to give the Justice Department an active role.

I have great respect for the Speaker of this House because of our shared interest in information technology and its utilization to guarantee the free flow of information. But I have greater respect for the process that we use to conduct business in this House of Representatives and I believe that the process that allowed H.R. 1555 to come before us tonight has been flawed. This House can and should do better. Even some of my friends on the other side of the aisle have some real problems with being forced to vote on this bill at this time.

Mr. Speaker, we have such an opportunity here to pass legislation that can really benefit the American people and be fair to all those concerned. I submit to you that Congress should not be in the business of picking winners and losers in the private sector, but that is exactly what we are doing if we do not spend more time fine tuning H.R. 1555. If Congress gets it right we will have done a great deed for the American people—get it wrong and we have done them a great injustice.

For those of us like myself who really want to see the passage of comprehensive telecommunications legislation we have only one real choice. Send this legislation back to the committee and let's get it right. Mark Twain said it years ago better than I: ''The difference between right and almost right is like the difference between a lightning bug and lightning''. This legislation is far too important to rush through in the middle of the night. Too many amendments were denied consideration on the floor, in an effort to adjourn by Friday. Let's send H.R. 1555 back to committee and craft a piece of legislation that can be ungrudgingly supported by all Members of this House.

Mr. NORWOOD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I am pleased today to support H.R. 1555, the Communications Act of 1995. I know this has been a long, tedious process with a wide range of industries taking keen interest in every jot and title of this bill.

But Mr. Chairman, as the Titans of industry have waged their battle over this piece of legislation, it is important to note that the primary beneficiary will be and ought to be the American consumer of telephone, cable and all communications services. As the markets open up in these areas and real competition is realized, just as we've seen in the video and computer industry, we will have better technology at lower prices.

Mr. Chairman, I can't let this moment pass without commenting on the battle between the Bells and long distance that is raging still. As the gentlemen from Texas and Virginia have done, I had representatives from both interests in my office at the same time to talk with each other and try to resolve their differences. Perhaps at the end of this process we will finally see an agreeable solution. I realize that one party wants free access to all markets—which eventually I believe will happen—and the other is asking for a reasonable transition period of regulation so their markets are not taken away by the companies that own the phone lines. This bill, however imperfectly, does establish this balance.

As my friend from Washington, Mr. WHITE, has graciously reminded me throughout the process—I thank him for his advice and help—the Congress is the one entity that is trying to strike the most fair balance. The other parties own huge interests in getting their way, or at least getting a ''fair advantage,'' to borrow a phrase from the chairman from Virginia.

I would also like to thank Mr. BLILEY and Mr. FIELDS for their hard work on this bill and many long hours and still more frequent meetings and hearings that made this legislation possible. I appreciate their concern for the smaller rural phone companies that could have been severely hurt by much bigger companies during the transition period to deregulation.

The chairmen also know my concern about the Federal Communications Commission's regulatory underbrush that still exists for common carriers. I appreciate the adoption of Mr. BOUCHER's amendment in the Commerce Committee that did lighten the load by removing regulations created for another era. Perhaps we can work on further regulatory relief in the future that would unburden common carriers even more. I am particularly concerned about the smaller carriers that may not have the resources or the legal staff to push the amount of paper that the FCC demands.

Mr. Chairman, I support this bill. A bill this large cannot be perfect. But it does get us way down the road to competition, free markets, better technology and lower prices for the consumer. I urge its passage.

Mr. KLUG. Mr. Chairman, I would like to respond to the statements made on August 1, 1995 by my colleague, the gentlewoman from California [Ms. ESHOO] concerning H.R. 1555, the Communications Act.

In her remarks about cable compatibility, she would have us believe that it is a classic disagreement between the evil, foreign television manufacturers and the good, domestic technology firms. I do not believe the 30,000 Americans, employed in the manufacturing of 14 million television receivers annually for domestic and foreign sales, would agree with her characterization. The percentage of imported computers, is nearly identical to that of imported TV's, about 30 percent.

The gentlewoman would also like us to believe that her amendment would protect future technology. While it would protect the interest of proprietary technology, especially that of a home automation company in her home State, it would harm retailers, consumers, and that of television manufacturers. A wide variety of groups including the National Association of Retail Dealers and the National Consumers League have opposed the Eshoo amendment. I think it is especially significant when both retailers and consumers are on the same side of an issue as they are in this case.

Cable compatibility is a very technical issue, and one which the industry has been considering for over 2 years. The gentlewoman's amendment, which has not had a hearing, would actually thwart market competition and stifle advancing technology.

I would urge my colleagues who are conferees on this bill to take a closer look at what the Eshoo language does. I think you will find that real world technology is exactly the opposite of what Ms. ESHOO would have us believe.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of H.R. 1555. This vital legislation makes long overdue changes to current communications laws by eliminating the legal barriers that prevent true competition.

I am particularly pleased that H.R. 1555 will break down barriers to telecommunications for people with disabilities by requiring that carriers and manufacturers of telecommunications equipment make their network services and equipment accessible to and usable by people with disabilities. The time is past for all persons to have access to telecommunications services.

H.R. 1555 assigns to the FCC the regulatory functions of ensuring that the Bell companies have complied with all of the conditions that we have imposed on their entry into long distance. This bill requires the Bell companies to interconnect with their competitors and to provide to them the features, functions, and capabilities of the Bell companies' networks that the new entrants need to compete. It also contains other checks and balances to ensure that competition in local and long distance grows.

The Justice Department still has the role that was granted to it under the Sherman and Clayton Acts and other antitrust laws. Their role is to enforce the anti-trust laws and ensure that all companies comply with the requirements of the bill.

The Department of Justice enforces the antitrust laws of this country. It is a role that they have performed well. The Department of Justice is not and should not be a regulating agency: It is an enforcement agency.

Mr. Speaker, it is time to open our telecommunications market to true competition. This legislation is long overdue. I encourage my colleagues to support H.R. 1555.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to this legislation, disappointed that such an important and necessary bill has fallen victim to the Republican leadership's knee-jerk acquiescence to the

profit-driven whims of corporate America at the expense of average America.

I support comprehensive reform of our Nation's outdated communications laws. During the 103d Congress I voted in favor of legislation which passed this House 423 to 4 and would have gone a long way toward opening all telecommunications markets under equitable rules, promoting competition and protecting consumers. Believe me, H.R. 1555 is a far cry from the sensible approach this body took last year on this issue.

To begin with, H.R. 1555 guts the 1992 Cable Act, which has saved consumers $3 billion in inflated monopoly fee hikes. Despite the fact that 67 percent of consumers support rate regulation and 65 percent of cable customers still believe their bills are too high, H.R. 1555 lifts cable rate regulation on the most popular cable programming immediately for smaller cable operators and 15 months after enactment of this bill for the largest operators, regardless of the competitive nature of their markets. It is estimated that this bill will increase cable bills an average of $5 monthly per individual.

Where is the sense Mr. Chairman? According to the General Accounting Office, deregulation of the cable industry prior to effective competition in 1984 resulted in a monumental rise in cable rates at three times the rate of inflation. Given the fact that effective competition exists in less than ½ of 1 percent of all cable systems nationwide and affordable cable TV alternatives for 99.5 percent of consumers from phone companies or satellite providers is not yet fully feasible, swiftly opening up these markets can only spur price gouging.

Ironically, on top of this, H.R. 1555 also raises the complaint threshold that it takes to trigger an FCC investigation of price gouging by a cable operator to a standard that has to date rarely been met by any community seeking such relief from the FCC. Talk about a bill that targets consumers in its crosshairs.

But there's more. H.R. 1555's provisions on mass media ownership virtually guarantee that power will be concentrated among a select few communications megacorporations, sacrificing the key tenets of communications policy—community control and variety of viewpoints. This legislation repeals all ownership limits on radio stations, allows one network to control programming reaching 50 percent of all households nationwide, gives one major communications entity the ability to own newspapers, cable systems, and television stations in a single town. This type of excessive media control is not a healthy prescription for competition.

All one has to do is read the recent newspaper headlines to realize that the industry Goliaths are making deals left and right, salivating in anticipation of this legislation's passage and the huge windfall it will bring them. Luckily, President Clinton has cited the unprecedented media concentration promoted by this legislation as a major stumbling block that would bring his veto.

Over the last few weeks hundreds of my constituents have contacted my office to express their opposition to the aforementioned anticonsumer provisions of this legislation. I come to this floor today to represent their views by voting against H.R. 1555.

However, I should note for the record that there are a few provisions beneficial to our Nation's small telecommunications providers included in this legislation that I do support and am glad the committee saw fit to advance.

While we should all look forward to the opportunities presented by new, emerging technologies, we cannot disregard the lessons of the past and the hurdles we still face in making certain that everyone in America benefits equally from our country's maiden voyage into cyberspace. I refer to the well-documented fact that, in particular, minority- and women-owned small businesses continue to be extremely under-represented in the telecommunications field.

In the cellular industry, which generates in excess of $10 billion a year, there are a mere 11 minority firms offering services in this market. Overall, barely 1 percent of all telecommunications companies are minority-owned. Of women-owned firms in the United States, only 1.9 percent fall within the communications category.

Some of the provisions included in this bill can make a first step in eradicating these inequities.

I am very pleased to see that Representative RUSH successfully offered an amendment in subcommittee mark-up similar to a provision I included in last year's telecommunications legislation that will help to advance diversity of ownership in the telecommunications marketplace. It requires the Federal Communications Commission to identify and work to eliminate barriers to market entry that continue to constrain all small businesses, including minority- and women-owned firms, in their attempts to take part in all telecommunications industries. Underlying this amendment is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace. Given the distorted mass media ownership provisions I previously discussed, Representative RUSH's takes on heightened importance.

In addition, I fully support the telecommunications development fund language included in Chairman BLILEY's manager's amendment. This language ensures that deposits the FCC receives through auctions be placed in an interest-bearing account and the interest from such deposits be used to increase access capital for small telecommunications firms. This fund seeks to increase competition in the telecommunications industry by making loans, investments or other similar extensions of credit to eligible entrepreneurs.

Finally, antiredlining provisions that prohibit carriers from discriminating against communities comprised of low-income and minority individuals address a genuine concern of mine that the information superhighway must not be allowed to bypass those communities most in need of its benefits.

Nevertheless, Mr. Chairman, taken as a whole, the bad in this bill greatly outweighs the good and, despite what those on the other side of the aisle might say, the majority of our constituents know it. Therefore, I urge my colleagues to vote no on H.R. 1555.

Mr. KLUG. Mr. Chairman, I would like to respond to the statements made on August 1, 1995, by my colleague, the gentlewoman from California [Ms. ESHOO], concerning H.R. 1555, the Communications Act.

In her remarks about cable compatibility, she would have us believe that it is a classic disagreement between the evil, foreign television manufacturers and the good, domestic technology firms. I do not believe the 30,000 Americans employed in the manufacturing of 14 million television receivers annually for domestic and foreign sales would agree with her characterization. The percentage of imported computers is nearly identical to that of imported TV's, about 30 percent.

The gentlewoman would also like us to believe that her amendment would protect future technology. While it would protect the interest of proprietary technology, especially that of a home automation company in her home State, it would harm retailers, consumers, and that of television manufacturers. A wide variety of groups including the National Association of Retail Dealers and the National Consumers League have opposed the Eshoo amendment. I think it is especially significant when both retailers and consumers are on the same side of an issue, as they are in this case.

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I would urge my colleagues who are conferees on this bill to take a closer look at what the Eshoo language does. I think you will find that real world technology is exactly the opposite of what Ms. ESHOO would have us believe.

Mr. KLECZKA. Mr. Chairman, I would like to discuss several important issues surrounding H.R. 1555, the Communications Act of 1995. Today, the House is acting on a comprehensive telecommunications reform bill that some say is the most far-reaching legislation debated in recent memory. This bill would phaseout controls that inhibit open competition in the broadcast, local telephone, long-distance, cable, and cellular industries.

The telecommunications industry is currently hampered by outdated restrictions and regulations that do not allow these innovative companies to enter each other's lines of business. Thus, consumers cannot benefit from increased competition and the companies are not fully able to develop new technologies that will benefit us all.

This legislation is designed to allow companies to evolve while ensuring that consumers are not trampled in the process. Encouraging open and fair competition should be one of our highest priorities, and it is the best route to bringing the information superhighway up to speed.

While I support the general direction of this bill and will vote for it on final passage, there are some important additions that will make this bill better. One such change is an amendment to protect consumers from cable rate increases by continuing regulation of existing cable systems until there is adequate competition. We must continue to protect consumers in this manner until true competition in the cable industry arrives.

I also support an amendment that limits to 35 percent the percentage of households that may be reached by TV stations directly owned by a single network or ownership group. We must ensure that consumers will be able to receive a diversity of viewpoints from the media. The bill as currently written could threaten the independence of many local television stations across the country. In addition, I support an amendment to preserve the authority of local governments to be compensated for use of

public rights-of-way by telecommunications providers.

These changes to H.R. 1555 are of critical importance, and I sincerely hope that fair consideration will be given to them during floor debate of this bill. One of my Republican colleagues has been quoted as saying ''this bill is not perfect, but close enough for government work.'' I disagree, and believe that, with the changes I have suggested, this bill will usher in a new modern age in telecommunications. However, failure to adequately address my concerns, either during House consideration or in conference, might require me to vote to sustain a Presidential veto of this bill.

Mr. KIM. Mr. Chairman, I rise to urge my colleagues to support the overhaul of our national telecommunications policy. This legislation will unleash vast economic and technological forces that will transform our Nation's communications network into the most advanced and competitive system in the world.

The Communications Act of 1995 is a landmark regulatory reform bill that offers countless benefits to American consumers. By busting monopolies, opening all telecommunications markets to competition, and eliminating layers of burdensome Federal regulations, H.R. 1555 will give Americans access to a whole new range of new communications services at lower prices.

This bill offers local, long distance, and cable providers the opportunity to offer complete video and communications services anywhere in the United States.

Just as important, this bill prevents monopolistic activity and guarantees true competition in the local, long distance, and cable industries. I intend to support amendments which open these markets as quickly as possible without sacrificing competition. We must ensure that local and long distance providers compete on a fair and level playing field.

By reforming our telecommunications system we will create 3.4 million jobs over the next 10 years. True competition will give hardworking families and individuals over $550 billion in savings in local, long distance, cellular, and cable prices over the next 10 years. In addition, competition will speed up the introduction of new, innovative technologies and services, such as telemedicine in rural areas and distance learning to improve education and on the-job-training.

In conclusion, Mr. Chairman, I urge my colleagues to pass a bill that will create the most technologically advanced—and lowest priced—communications system in the world.

Mr. LEVIN. Mr. Chairman, I have grave concerns about the bill before us. Both on substance and on process, this is the wrong way to go about overhauling our Nation's communications laws.

Let me be clear that I support comprehensive reform of our Nation's telecommunications laws. I support deregulation. I support increased competition. I personally feel the time has come to free the regional Bell companies to enter the long-distance, manufacturing, and video markets.

However, this legislation is seriously flawed. How can you go home to your district and explain to your constituents that you voted for this bill?

How are you going to explain that you voted for a bill that gives cable companies the green light to raise rates through the roof without first requiring them to give up their monopolies? Fifteen months after this bill becomes law, cable rates are going up. How are you going to explain it?

How are you going to explain that you voted for a bill that fails to empower parents to control the amount of sex and violence their children watch on television? In the very near future, the number of channels available to every home in America will jump from a few dozen to as many as 500 channels. I'm fed up with TV violence. We must give parents a tool to block objectionable programs they don't want their children to see. For a modest cost, a computer chip can be added to new televisions that empowers parents to do this.

How are you going to explain that you voted for a bill that's a blueprint for unprecedented media concentration? Under this bill, a single company or individual can buy up most of your town's mass media, including an unlimited number of radio stations, two TV stations, and even the town newspaper.

The process under which the House is considering this legislation is also flawed. Large portions of this bill were developed in secret, behind closed doors. This bill will profoundly affect the shape of telecommunications in this country for years to come. It will impact every person in the country who owns a telephone, watches TV, or listens to radio.

We shouldn't debate such a far-reaching piece of legislation in a few short hours, under a closed rule, without adequate time for debate or amendment. Surely, this is no way to legislate.

Mr. COYNE. Mr. Chairman, I rise in strong support of efforts to address the concerns of consumers about the telecommunications bill now before the House.

Let me say that I believe there is strong support in the House for free and open competition among the various elements of the telecommunications industry. I also support providing free and open competition to the American consumer who should be able to choose freely between providers of telephone, cable and other telecommunications services.

The question is not over the merits of free and open competition as a goal. There are, however, real questions about how we provide sufficient protection for consumers during a transition period to free and open competition. A key test is whether adequate time is provided to ensure that true competition is present before current regulatory protections are eliminated. Failure to provide such protections would provide unacceptable opportunities for the abuse of consumers by firms which enjoy a monopoly or quasi-monopoly position in their individual sectors of the telecommunications industry.

That is why I oppose in particular the provisions of H.R. 1555 which would repeal prematurely the cable rate regulations enacted by Congress as part of the Cable Television Consumer Protection Act of 1992. H.R. 1555 would drop overnight all cable rate provisions for most cable markets in the Nation and would allow only 15 months before cable rate protections are dropped for larger markets, including the City of Pittsburgh which I represent.

I believe that the rush to drop all cable rate regulations is completely unacceptable because the timeframe provided by H.R. 1555 is insufficient to provide a realistic opportunity for the emergence of true competition. Current service providers have had years to enjoy the benefits of monopoly control over local cable services. It was only with the Cable Television Consumer Protection Act of 1992 that local consumers were offered some protections from the unjustified rate increases and poor service that had been all too common in many parts of the Nation. Now, those protections would be eliminated practically overnight even though real competition has not been given a decent chance to emerge.

The rush to deregulate opens the floodgates for companies which already enjoy a monopoly position in one market to expand their dominance to other segments of the telecommunications industry. Along the way, ratepayers would be paying for this expansion through higher rates because a real alternative to their local monoploy provider is not yet in place.

A clear example of the lack of protection against the power of monopoly providers is demonstrated by a provision of H.R. 1555 which permits buy-outs of local cable companies by telephone companies, with limited exceptions. This provision is contrary to the very principle of encouraging competition which is supposed to be the reason for passing telecommunications legislation. Why in the world would two monopolies compete against each other for their customer base when it would be so much easier to simply buy the competition. The result would be one super-monopoly taking the place two companies well positioned to compete head on. This buy-out provision makes a farce out of the very idea of promoting true competition.

I also oppose provisions of H.R. 1555 which would preempt State regulatory authority to ensure that consumers are protected from abusive pricing practices. States must be able to play the role of consumer advocates in cases where monopolies or quasi-monopolies would otherwise possess unregulated opportunities to impose unjustified price increases on local ratepayers. The lack of State oversight along with the rush to repeal existing regulatory protections make H.R. 1555 a virtual road map for how to raise rates for telecommunications services.

Mr. Speaker, I must oppose H.R. 1555 as long as these anti-consumer provisions remain part of this legislation. Free and open competition must not be taken for granted. It can only emerge over time when adequate protections are provided to American families who are being put at risk by this rush to deregulate.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SHAYS), having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555), to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, pursuant to House Resolution 207, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Under the order of the House of the legislative day of August 3, 1995, the amendment reported from the Committee of the Whole is adopted. No separate vote is in order.

The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1555 to the Committee on Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

''(v) Prescribe—

''(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

''(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.''.

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

''(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

''(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

''(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

''(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

''(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

''(A) enables parents to block programming based on identifying programs without ratings,

''(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

''(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

The Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.''.

''(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking 'section 303(s), and section 303(u)' and inserting in lieu thereof 'and sections 303(s), 303(u), and 303(w)'.

''(e) APPLICABILITY AND EFFECTIVE DATES.—

''(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

''(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

''(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

''(2) EFFECTIVE DATE OF MANUFACTURE PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of enactment of this Act.

Mr. MARKEY (during the reading). Mr. Speaker, I ask that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, the point that I am going to make right now is that you have had a nice vote. You have now voted to have the 2000 study of whether or not violence and sexual programming on television has an impact on adolescent children. The conclusion to that study is not in question.

The only question now, Mr. Speaker, is going to be whether or not, as we in our recommittal motion let the Coburn study stay in place, we add in now the

Markey V-chip amendment as the recommittal. That is it. The Coburn study stays in place, and we add on the V-chip as the recommittal motion. That is all there is to it; it is no more complicated.

Mr. Speaker, we ask that Members who care about parents in this country please vote for this recommittal motion so that both Coburn and the V-chip can be given to them as weapons against the excessive sexual and violent programming on television in our country.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, this has been a very hard fight, and for some of us, it is kind of emotional because we have seen what happens when violence occurs in the home. I used to see that violence on a regular basis when I was a kid, and as I grew up, I started watching that same kind of violence on television, and then I say society become more and more violent.

I saw kids start killing other kids. I saw 12-year-old kids raping other 10- and 11-year-old children, and we say, ''why is this happening?''

Mr. Speaker, I submit that, in large part, it is due to what FRANK WOLF of Virginia said a while ago, ''Garbage in, garbage out.'' The kids are seeing a steady diet of violence and sex, and there is no way for parents who are working day and night to keep their kids safe from it. There is no way. This is the only technology that is available that will do it.

Mr. Speaker, I love all my colleagues. I know we have differences of opinion. I respect all of them, but I am really disappointed today because we have not given the people of this country, the parents, the ability to help protect their kids.

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, first of all, I want to commend my friend from Indiana, Mr. BURTON, for his courageous fight on this amendment, as well as my friend, the gentleman from Massachusetts [Mr. MARKEY].

Mr. Speaker, the V-chip is based upon a very simple principle that it is the parents who should raise the children, not the Government, not the corporate executives, not the advertisers, not the network executives. It is the parents who are the people responsible for what their children see. It is the parents who should have a more powerful voice in the marketplace.

□ 1445

Now this is about the pictures and the images that shape our children's minds. This is about giving parents the tools they need to stop the garbage from flowing into our living rooms. By the time a child gets out of grade school, he will, she will, have seen 8,000 murders, over 100,000 acts of violence. This bill will help parents let Sesame Street in and keep the Texas Chain Saw Massacre out, and that is why over 90 percent of the American public support the idea of the V-chip.

Now this motion to recommit will allow a straight up-or-down vote on the Markey-Burton amendment on the V-chip, and that motion was denied by the passage of the Coburn amendment, and I know why the Coburn amendment passed, because it contained a lot of language that people support.

This is a graft on top of Coburn. It goes further, and it gives parents the control they need.

Mr. Speaker, I urge my colleagues to vote to give parental control over what goes into the minds and the hearts of our children.

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the cost of the chip is as little as 18 cents. For 18 cents on a television set we can give the parent back the control of some of the filth, and some of the smut, and some of the violence that is coming into the living room.

I urge my colleagues to support the motion.

Mr. MARKEY. I reclaim the balance of my time, Mr. Speaker, to make this final point:

We sell 25 million television sets a year in the United States. In 2 years there will be 25 million homes with a V-chip that costs 18 cents that every parent can use to protect their children. That is what a yes vote on recommittal means. My colleagues will still have the Coburn study, if they want it, but parents will have something out of this as well, the protection when they are not in the home, when they are not in the same room, to be able to block out the violence and sexual programming that their 3-, and 4-, and 5-, and 6-year-old little boys and girls should not be having access to, should not be in their minds.

Please vote ''yes'' on recommittal so that we can build the V-chip into this very important piece of legislation.

Mr. BLILEY. Mr. Speaker, this has been a good debate on this bill over 2 days. Before yielding to the gentleman from New York [Mr. PAXON] I would just like to take a few moments to thank our respective staffs for their hard work and tireless dedication. I would especially like to thank Catherine Reid, Michael Regan, Harold Furchgott-Roth and Mike O'Reilly of the majority; David Leach with Mr. DINGELL's staff; and Steve Cope of the Office of Legislative Counsel. The House should applaud their fine efforts in bringing this legislation forward.

Mr. Speaker, I yield to the gentleman from New York [Mr. PAXON] in opposition to this motion to recommit.

Mr. PAXON. Mr. Speaker, first, on behalf of the committee, I think both Republicans and Democrats, I would like to say a thank you, to the Members for their patience, for their good humor, for frankly staying awake during these final hours of this very long week. I have just three brief points to make:

No. 1, this House should be very proud. Today we have made history. For the first time in 61 years we are preparing to pass a telecommunication reform bill that is historic. My colleagues should be proud of this effort. It is, therefore, ludicrous to talk about recommitting a piece of history that we have just worked so hard to craft, and I know this House would not do this afternoon, recommit this important and historic piece of legislation, because it would mean there is no bill.

No. 2, there has been a lot of talk about this legislation. I just counted in the Markey amendment; it refers to the word ''ratings'' 12 different times. That point has been lost lately in this discussion. Ratings are contained in that measure 12 different times; that is contained in the motion to recommit.

My third point, my colleagues: It is time to go home.

Please vote ''no'' on the motion to recommit.

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. If the recommittal motion is approved, does that kill the bill?

The SPEAKER pro tempore. The question of passage would still be reached.

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. My purpose in making a parliamentary inquiry is to ask the Chair this question:

If the motion to recommit with instructions occurs, is it not a fact that the matter is immediately reported back to the House, at which time the vote then occurs on the legislation as amended by the motion to recommit with instructions?

The SPEAKER pro tempore. The appearance of the word ''forthwith'' in the instruction makes it so.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 199, not voting 11, as follows:

[Roll No. 634]

AYES—224

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burton
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cubin
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Frost
Funderburk
Furse
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Hunter
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
McCarthy
McDade
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Portman
Poshard
Rahall
Rangel
Reed
Rivers
Roemer
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOES—199

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Berman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Gekas
Gilchrest
Goodling
Goss
Graham
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hutchinson
Inglis
Istook
Johnson, Sam
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Matsui
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Porter
Pryce
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Towns
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Zeliff
Zimmer

NOT VOTING—11

Andrews
Bateman
Moakley
Ortiz
Quillen
Quinn
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1509

The Clerk announced the following pair:

On this vote:

Mr. Quinn for, with Mr. Quillen against.

Mr. FLANAGAN changed his vote from ''nay'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. SHAYS). The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 1555, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 57 after line 21 insert the following new section:

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should following practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

''(v) PRESCRIBE.—

''(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

''(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.''.

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

''(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to

enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

''(c)(1) except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

''(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

''(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

''(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

''(A) enables parents to block programming based on identifying programs without ratings,

''(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

''(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings, the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.''

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking ''section 303(s), and section 303(u)'' and inserting in lieu thereof ''and sections 303(s), 303(u), and 303(w)''.

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 305, noes 117, not voting 12, as follows:

[Roll No. 635]

AYES—305

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fox
Franks (CT)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Rahall
Ramstad
Rangel
Reed
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schumer
Seastrand
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Wynn
Young (FL)
Zeliff

NOES—117

Abercrombie
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bereuter
Berman
Borski
Brown (CA)
Bryant (TX)
Bunn
Bunning
Clayton
Coble
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
DeFazio
DeLauro
Dellums
Dixon
Doyle
Duncan
Durbin
Engel
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Foglietta
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gejdenson
Gibbons
Gonzalez
Gutierrez
Hefley
Hilliard
Hinchey
Holden
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
LaFalce
Lantos
Leach
Levin
Lipinski
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McHale
McNulty
Meyers
Mfume
Miller (CA)
Minge
Mink
Moran
Murtha
Myers
Nadler
Oberstar
Obey
Pallone
Pelosi
Pomeroy
Poshard
Regula
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Schroeder
Scott
Sensenbrenner
Shays
Skaggs
Skelton
Slaughter
Stark
Stokes
Studds
Stupak
Thornton
Torres
Velazquez
Vento
Visclosky
Volkmer
Waters
Waxman
Wise
Woolsey
Yates
Zimmer

NOT VOTING—12

Andrews
Bateman
Deutsch
Moakley
Ortiz
Quillen
Quinn
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1527

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 92. Concurrent Resolution providing for an adjournment of the two Houses.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 1555 the Clerk be authorized to make technical corrections and conforming changes to the bill, and to delete duplicative material.

The SPEAKER pro tempore. (Mr. SHAYS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1555.

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

There was no objection.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall 615 on Wednesday, the Greenwood amendment to H.R. 2127, the HHS appropriations bill, I thought I had voted aye. I notice in yesterday's RECORD I had voted no. That was in error. I want the Record to show I intended to vote aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1853

Ms. McKINNEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1853.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Georgia.

There was no objection.

□ 1530

SUBMISSION OF COMMITTEE ORDER FROM COMMITTEE ON HOUSE OVERSIGHT

(Mr. THOMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, I submit a committee order from the Committee on House Oversight.

At the direction of the Committee on House Oversight, in accordance with the authority granted to the committee as reflected in 2 U.S.C. 57, the committee issued Committee Order No. 41 on August 3, 1995, which will become effective on September 1, 1995. Members will receive information describing this change through a dear colleague.

I include at this point in the RECORD the text of Committee Order No. 41.

Resolved, That (a) effective September 1, 1995, and subject to subsection (b), the Clerk Hire Allowance, the Official Expenses Allowance, and the Official Mail Allowance shall cease to exist and the functions formerly carried out under such allowances shall be carried out under a single allowance, to be known as the ''Members' Representational Allowance''.

(b) Under the Members' Representational Allowance, the amount that shall be available to a Member for franked mail with respect to a session of Congress shall be the amount allocated for that purpose by the Committee on House Oversight under paragraphs (1)(A) and (2)(B) of subsection (e) of section 311 of the Legislative Branch Appropriations Act, 1991, plus an amount equal to the amount permitted to be transferred to the former Official Mail Allowance under paragraph (3) of that subsection.

SEC. 2. The Committee on House Oversight shall have authority to prescribe regulations to carry out this resolution.

PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES HAVE UNTIL FRIDAY, SEPTEMBER 1, 1995 TO FILE REPORT ON H.R. 1594, PLACING RESTRICTIONS ON DEPARTMENT OF LABOR INVESTMENTS WITH EMPLOYEE BENEFIT PLANS

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Economic and Educational Opportunities may have until noon on Friday, September 1, 1995, to file a report on H.R. 1594, a bill to place restrictions on the promotion by the Department of Labor of economically targeted investments in connection with employee benefit plans.

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

There was no objection.

REREFERRAL TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT OF H.R. 2077, GEORGE J. MITCHELL POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2077, be rereferred from the Committee on Transportation and Infrastructure to the Committee on Government Reform and Oversight.

I am informed, Mr. Speaker, there are no objections from the minority of the Committee to this referral.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of gentleman from New York?

There was no objection.

GEORGE J. MITCHELL POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from consideration of (H.R. 2077) to designate the U.S. Post Office building located at 33 College Avenue in Waterville, ME, as the ''George J. Mitchell Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Miss COLLINS of Michigan. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from New York [Mr. MCHUGH], chairman of the Subcommittee on Postal Service, for the purpose of explaining the bill.

Mr. MCHUGH. Mr. Speaker, I would note that the bill is to designate the U.S. Post Office building located at 33 College Avenue in Waterville, ME as the George J. Mitchell Post Office Building.

Miss COLLINS of Michigan. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Maine [Mr. LONGLEY], the sponsor of H.R. 2077.

Mr. LONGLEY. Mr. Speaker, it is my pleasure to inform the House that the citizens of Waterville, ME have decided to name the post office in honor of former Senator George J. Mitchell of Maine. Senator Mitchell was elected to the Senate, appointed to the Senate in 1980, was elected in 1982 and, in 1988, was elected with the largest majority in the history of Maine's elections to the Senate.

But most importantly, he served as a distinguished Member of the other body and was well respected as majority leader, respected by Members and leadership of both parties. And it is my pleasure to speak in support of this and also to call attention to the fact that I believe my colleague, the gentleman from Maine [Mr. BALDACCI], a member of the other party, will also be addressing this House in a unique bipartisan support for this great measure in honor of the service of George Mitchell to the citizens of Maine and the United States.

Miss COLLINS of Michigan. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Maine [Mr. BALDACCI] the cosponsor of H.R. 2077.

Mr. BALDACCI. Mr. Speaker, I am pleased to rise in support of this legislation which will properly recognize one of Maine's, and indeed the Nation's most distinguished public servants.

Senator George Mitchell has dedicated the better part of his adult life to public service. From serving in the Army, to being a Federal judge, to representing the people of Maine in the U.S. Senate. In every position, he was known for being fair, thoughtful and articulate.

George Mitchell has been a mentor to me. We can all learn from the way he conducted himself. I am pleased that we are taking action today to name the post office in his home town of Waterville the George J. Mitchell Federal Building. It is a fitting tribute to a man who is the source of tremendous pride for the people of Waterville, of Maine and of the Nation.

Ms. PELOSI. Mr. Speaker, I rise in support of the motion to name the post office in Waterville, ME in honor of former Majority Leader George Mitchell.

Senator Mitchell's legacy is an outstanding one, marked by his great intellect and strong principles. Future generations will benefit from his distinguished service to our country. It is fitting that the citizens of his hometown have a daily reminder of his greatness.

He has always spoken with pride of Waterville, ME, and now the Congress recognizes that strong tie. By honoring George Mitchell, this Congress honors one of its greatest leaders.

Miss COLLINS of Michigan. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GEORGE J. MITCHELL POST OFFICE BUILDING.

The United States Post Office building located at 33 College Avenue in Waterville, Maine, shall be known and designated as the ''George J. Mitchell Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''George J. Mitchell Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 2077.

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

There was no objection.

TRIBUTES TO LENNY DONNELLY AND KEITH JEWELL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise on behalf of myself, the gentleman from Missouri [Mr. GEPHARDT], the majority leader, the gentleman from Michigan [Mr. BONIOR], the minority whip, the gentleman from California [Mr. FAZIO], the Chairman of the Democratic Caucus and the gentlewoman from Connecticut [Mrs. KENNELLY], the vice chair of the Democratic Caucus, and all the leadership and members of the Democratic Caucus to note that today will be the last day of service for one of the beloved individuals of this House.

I ask my colleagues this day to join me in bidding farewell to a woman who has been a fixture on the floor of this House and who has helped over 2,000 young people mature into active participants in the democratic process of this great Nation.

Mr. Speaker, today is the last day on Capitol Hill for Lenore Donnelly who has served as the Chief of Democratic Pages since 1985. She sits right behind me on the floor.

Mr. Speaker, Lenny first came to Washington to work for Senator John F. Kennedy's Presidential campaign in 1959. She later became a member of his White House staff and remained at the White House during the administration of President Johnson at President Johnson's request.

She worked for Senator Robert Kennedy as well. Lenny later became the Deputy Chief of the U.S. Capitol Guide Service and was appointed to Chief of the Democratic Pages by one of our most famous and beloved Speakers, Thomas P. ''Tip'' O'Neill.

All of us who have worked with Lenny know her to be a woman of uncommon grace, uncommon grace under pressure, and uncommon grace in the best of times. She is a person who truly loves this institution and reflects that in her actions and in her words.

She has passed on that commitment to her Nation and to the House of Representatives, and, probably more importantly, to the thousands of Pages who have come here and under her guidance have flourished for the past 10 years.

I know that one day, Mr. Speaker, a future Member of this House will serve here who was a page under Lenny Donnelly and, yes, maybe far more than one. The House and indeed the Nation will be a better place because that Member will carry with him the inspiration and the knowledge and the wisdom and the love of this institution imparted to him or to her by Lenny Donnelly.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR] my friend, the Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for giving me the opportunity to express my best wishes to some very wonderful people.

Mr. Speaker, we have come to the end of a long and exhausting 7-month schedule.

I think all of us are looking forward to going back home and spending some time with our family and friends.

But before we go, I wanted to rise today to pay tribute to the people you don't see in front of the C–SPAN cameras. I want to pay tribute to the men and women who work hard in this House every day.

Over the past 8 months, we've debated a lot of different bills on this floor.

Time and again, we've heard speaker after speaker remind us that government isn't just about programs or policy. It's about people.

Well, the same goes for this House.

In the 20 years I have been privileged to serve in this body, I have had the great pleasure of knowing some of the best, most decent people you'd ever want to meet.

These people who believe in this institution, who care about this House, and who work hard day in and day out to serve the American people.

Many of them spend long hours away from their families. Many of them are forced to order too many late-night pizzas.

And I regret to say—many of them have not gotten the respect they deserve in recent days.

But to the pages and the staff and the clerical workers and carpenters and everybody else who makes this House run—and especially to my staff—I want to say thank you.

The work you're doing is making a difference, for this House and for this Nation. And never let anybody convince you otherwise.

Mr. Speaker, there are hundreds of people I could mention by name—and I wish I had the time to do it here today. But I want to take a moment to mention just two of them, two people who are saying goodbye to this House after many years of dedicated service.

Mr. Speaker, in all my time in this House, I have not met a nicer, kinder, friendlier person than Lenny Donnelly.

For the past 10 years, Lenny has been a fixture in this Chamber. Since 1985, she's run the Democratic page program here in the House.

She'll proudly tell you that before she ever came to the House she worked for the Kennedy White House.

But if you've ever wondered how a group of 15- and 16-year-old pages can travel hundreds of miles from their families, and away from their friends, to a strange city, and be made to feel like they're right at home: Lenny Donnelly is the reason.

She doesn't have any special secrets. She just treats the pages like people.

She takes an interest in their lives; she listens to their problems; she makes them proud of their accomplishments; and by believing in them, she helps them believe in themselves.

Mr. Speaker, the pages who are lucky enough to serve in this body will remember a lot of things about Washington. But when people ask them what they'll remember the most—my guess is that they'll say ''Lenny Donnelly.''

Lenny, the young people you have taught—and the lessons you have taught them—will survive long after you're gone from this Chamber. And that's something to be proud of.

Mr. Speaker, another good friend leaving us this week after years of dedicated service is one of the hardest working people on Capitol Hill, a sweet and decent man named Keith Jewell.

For the past 30 years, Keith has seen and heard it all on Capitol Hill.

As the House photographer his eye has been the eye of the Nation.

During his tenure, Keith has served under six Speakers. He was the first photographer to capture a still image of a joint session of Congress.

He photographed seven American Presidents. And as director of the Office of photography, he has coordinated more than 19,000 appointments each year—from the Queen of England right down to children on their first visit to the Nation's Capitol.

And through it all he's remained the same patient, friendly man he's always been.

Keith, you've made a lot of us look good over the years—even on the most hectic days.

We're all going to miss the sight of you racing around this building carrying four or five cameras, with straps hanging around your neck, and that camera bag at your side.

But someday, when there is nobody left to remember the sound of the voices in this Chamber today, America will still look back on the images you have captured with your camera and they're going to remember—as will we all.

Mr. Speaker, this is a sad week for all of us.

All of us are proud to have worked with Lenny and Keith—and proud to call them friends.

And even though we're all going to miss them. I promise you this: We're never going to forget them.

Mr. HOYER. Mr. Speaker, I would add, before a final statement for Lenny, Keith Jewell is one of the finest people with whom of us have had the opportunity to work. It is a shame he is leaving. I am not going to discuss further the fact of why he has decided to leave, but I want to say that this House will be a lesser place for his loss.

He and Lenny Donnelly have brought a true commitment to this institution, not just to us as individuals, not just to the pages and the Members, but to all of the people who have come in contact with this institution.

The page system, I think, Mr. Speaker, is a uniquely important part of this institution. It allows young people to come from throughout the United States, spend some time not just in the Capital of their Nation but in the people's House, seeing day to day the operations of democracy, seeing, frankly, firsthand that the Members here on both sides of the aisle, liberals, conservatives, moderates, independent, work hard and care about their country, care about their oath of office.

□ 1545

Mr. Speaker, I think they carry back with them a special insight that they then impart to their peers who, I think, have a little better respect for their democracy, for the education that they recevied from our pages.

Lenny Donnelly, Peggy, others who on a day-to-day basis deal with our pages, perform a great service for this institution, but, in a broader sense, a great service for our democracy.

Lenny, we will miss you. We know that you and Ray are about, in a few short days, to travel to Ireland. Now, I do not know that a Donnelly will be very excited about going to Ireland, but I have a suspicion that that is probably the case and I am sure they will welcome you there.

We look forward to your swift and safe return as we welcome you with open arms and deep gratitude every time you return. Good luck and Godspeed.

Mr. SPEAKER pro tempore (Mr. SHAYS). I thank the gentleman and thank all people who work for this wonderful Chamber.

DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT OF 1995

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to call up the bill (H.R. 2108), to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Ms. NORTON. Mr. Speaker, reserving the right to object, under my reservation, I ask the chairman of the Subcommittee on the District of Columbia to explain the bill.

Mr. DAVIS. Mr. Speaker, if the gentlewoman will yield, H.R. 2108 is a straightforward bill which allows the District of Columbia to move forward on two very important economic development projects—the MCI arena at Gallery Place and a new convention center.

These projects will provide thousands of jobs of the type most needed in the District of Columbia and hundreds of millions of dollars in economic activity and tax revenues for our Nation's Capital.

This bill is very narrowly crafted and specifically directs each item for which expenditures may be made. Also, the independent nature of both the Washington Convention Center Authority and the Redevelopment Land Agency, which is the lead agency on the arena project, mean that the power and influence of the Mayor and the Council are sharply curtailed and less than would have been the case if these projects had proceeded without this legislation. I want Members to know that the entities directing these projects are independent of the Mayor and have both the legal and fiduciary responsibility for their actions.

This legislation does not create or raise taxes in the District of Columbia. The funds authorized to be expended by this legislation are already being collected and deposited in an escrow account. Last year the Council passed dedicated tax sources for these economic development projects and directed the funds into escrow accounts. The moneys involved are not part of the District's general fund, could not be spent for any other purpose, and this spending will not increase the District's deficit.

Under the narrow focus of this legislation and considering the economic benefits for the District of Columbia and the entire National Capital region from these projects, I ask Members to support H.R. 2108.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Virginia [Mr. DAVIS] for his explanation.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I would like to say a special thank you and tribute to both the gentleman from Virginia [Mr. DAVIS] and the gentlewoman from the District of Columbia [Ms. NORTON] because they have worked very hard on this legislation.

Mr. Speaker, I was one of the few Members of the Congress who got a chance, 2 weeks ago, to take a tour of the areas where these two facilities are going to be built. I also want to say a special tribute to the business community, because I think they have all pulled together on this, and particularly to the Pollin family.

Mr. Speaker, I would say to my fellow Members, and particularly any of those on this side of the aisle, this city essentially has two industries. One is Government, the other is tourism and the hospitality industry. I did not know, until I took that tour, that actually the hospitality industry is the largest employer here in the District of Columbia.

While those of us on this side of the aisle are doing our best to reduce the size of the Federal Government, I think we have some responsibility to do what we can to increase the size of that other industry. So, Mr. Speaker, I strongly support this legislation.

Mr. Speaker, I again congratulate the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Virginia [Mr. DAVIS], and the business community for working together. I think these are going to be projects that will be a tremendous attraction for the people of Washington, DC, and for people all over the United States of America. I think they are going to be a giant step forward in terms of rebuilding the economic infrastructure here in the District.

Mr. Speaker, I hope everyone joins me in supporting H.R. 2108.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his strong support and his work in the committee on this and other bills for the District.

Mr. Speaker, further reserving the right to object, we are bringing to this House a bipartisan bill that has the unanimous support of the Subcommittee on the District of Columbia and that will significantly increase the revenue of the District entirely from private resources.

H.R. 2108, the District of Columbia Convention Center and Sports Arena Authorization Act of 1995, allows for the release of dedicated tax funds that are not part of the District's general fund revenues for preliminary work for a new convention center, and the lands acquisition and site cleanup for a new sports arena.

This bill is here today only because the projects themselves will be financed largely by private parties and businesses. If the financial crisis of the District of Columbia is to be cured, and not merely temporarily stayed, it will take financial ventures such as these to grow the city's economy and create new opportunities for residents and businesses.

Mr. Speaker, I want to once again express my thanks to the gentleman from Virginia [Mr. DAVIS], chairman of the Subcommittee on the District of Columbia, for his collegial and expeditious consideration of my bill and to the gentleman from Pennsylvania [Mr. CLINGER], chairman of the Committee on Government Reform and Oversight for the same. Their efforts show how much can be accomplished when Members reach out in genuine bipartisan resolve to solve problems. Thank you very much.

Mrs. COLLINS of Illinois. Mr. Speaker, I am delighted that the D.C. Subcommittee's ranking member, ELEANOR HOLMES NORTON, and the subcommittee's chairman, TOM DAVIS have worked together in a bipartisan manner to develop H.R. 2108, a bill which would enable District government to spend its own locally raised revenues for the preconstruction work essential to move the District of Columbia's proposed new sports arena and convention center projects forward.

The arena and convention center are indispensable to the economic revitalization of the Nation's Capital. Together they hold the potential to create hundreds of jobs and bring millions of dollars of badly needed revenue to this city. They will also generate many spinoff business opportunities that will also contribute to the District's recovery.

Particularly noteworthy about these two projects is the public/private partnership which brought them about. In each case, the local business community gave its support to the imposition of special taxes which its members will pay to fund land acquisition and preconstruction activities. It is also significant that the new sports arena will be built entirely with private funds by the owner of the District's professional basketball and hockey teams.

Investments such as these, made during a period when the District is experiencing severe financial distress, are strong indications that this city does have a promising future.

Mr. Speaker, I urge the approval of this legislation.

Mr. Speaker, I withdraw my reservation of objection, and ask all Members to support H.R. 2108.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''District of Columbia Convention Center and Sports Arena Authorization Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONVENTION CENTER

Sec. 101. Permitting Washington Convention Center Authority to spend revenues for convention center activities.

TITLE II—SPORTS ARENA

Sec. 201. Permitting designated authority to borrow funds for preconstruction activities relating to Gallery Place sports arena.

Sec. 202. Permitting certain District revenues to be pledged as security for borrowing.

Sec. 203. No appropriation necessary for arena preconstruction activities.

Sec. 204. Arena preconstruction activities described.

TITLE III—WAIVER OF CONGRESSIONAL REVIEW

Sec. 301. Waiver of Congressional review of Arena Tax Payment and Use Amendment Act of 1995.

TITLE I—CONVENTION CENTER

SEC. 101. PERMITTING WASHINGTON CONVENTION CENTER AUTHORITY TO EXPAND REVENUES FOR CONVENTION CENTER ACTIVITIES.

(a) PERMITTING EXPENDITURE WITHOUT APPROPRIATION.—The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–304, D.C. Code) shall not apply with respect to any revenues of the District of Columbia which are attributable to the enactment of title III of the Washington Convention Center Authority Act of 1994 (D.C. Law 10–188) and which are obligated or expended for the activities described in subsection (b).

(b) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(1) the operation and maintenance of the existing Washington Convention Center; and

(2) preconstruction activities with respect to a new convention center in the District of Columbia, including land acquisition and the conducting of environmental impact studies, architecture and design studies, surveys, and site acquisition.

TITLE II—SPORTS ARENA

SEC. 201. PERMITTING DESIGNATED AUTHORITY TO BORROW FUNDS FOR PRECONSTRUCTION ACTIVITIES RELATING TO GALLERY PLACE SPORTS ARENA.

(a) PERMITTING BORROWING.—

(1) IN GENERAL.—The designated authority may borrow funds through the issuance of revenue bonds, notes, or other obligations which are secured by revenues pledged in accordance with paragraph (2) to finance, refinance, or reimburse the costs of arena preconstruction activities described in section 204 if the designated authority is granted the authority to borrow funds for such purposes by the District of Columbia government.

(2) REVENUE REQUIRED TO SECURE BORROWING.—The designated authority may borrow funds under paragraph (1) to finance, refinance, or reimburse the costs of arena preconstruction activities described in section 204 only if such borrowing is secured (in whole or in part) by the pledge of revenues of the District of Columbia which are attributable to the sports arena tax imposed as a result of the enactment of D.C. Law 10–128 (as amended by the Arena Tax Amendment Act of 1994 (D.C. Act 10–315)) and which are transferred by the Mayor of the District of Columbia to the designated authority pursuant to section 302(a–1)(3) of the Omnibus Budget Support Act of 1994 (sec. 47–2752(a–1)(3), D.C. Code) (as amended by section 2(b) of the Arena Tax Payment and Use Amendment Act of 1995).

(b) TREATMENT OF DEBT CREATED.—Any debt created pursuant to subsection (a) shall not—

(1) be considered general obligation debt of the District of Columbia for any purpose, including the limitation on the annual aggregate limit on debt of the District of Columbia under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–313(b), D.C. Code);

(2) constitute the lending of the public credit for private undertakings for purposes of section 602(a)(2) of such Act (sec. 1–233(a)(2), D.C. Code); or

(3) be a pledge of or involve the full faith and credit of the District of Columbia.

(c) DESIGNATED AUTHORITY DEFINED.—The term ''designated authority'' means the Redevelopment Land Agency or such other District of Columbia government agency or instrumentality designated by the Mayor of the District of Columbia for purposes of carrying out any arena preconstruction activities.

SEC. 202. PERMITTING CERTAIN DISTRICT REVENUES TO BE PLEDGED AS SECURITY FOR BORROWING.

(a) IN GENERAL.—The District of Columbia (including the designated authority described in section 201(c)) may pledge as security for any borrowing undertaken pursuant to section 201(a) any revenues of the District of Columbia which are attributable to the sports arena tax imposed as a result of the enactment of D.C. Act 10–128 (as amended by the Arena Tax Amendment Act of 1994 (D.C. Law 10–315)), upon the transfer of such revenues by the Mayor of the District of Columbia to the designated authority pursuant to section 302(a–1)(3) of the Omnibus Budget Support Act of 1994 (sec. 47–2752(a–1)(3), D.C. Code) (as amended by section 2(b) of the Arena Tax Payment and Use Amendment Act of 1995).

(b) EXCLUSION OF PLEDGED REVENUES FROM CALCULATION OF ANNUAL AGGREGATE LIMIT OF DEBT.—Any revenues pledged as security by the District of Columbia pursuant to subsection (a) shall be excluded from the determination of the dollar amount equivalent to 14 percent of District revenues under section 603(b)(3)(A) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–313(b)(3)(A), D.C. Code).

SEC. 203. NO APPROPRIATION NECESSARY FOR ARENA PRECONSTRUCTION ACTIVITIES.

The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–304, D.C. Code) shall not apply with respect to any of the following obligations or expenditures:

(1) Borrowing conducted pursuant to section 201(a).

(2) The pledging of revenues as security for such borrowing pursuant to section 202(a).

(3) The payment of principal, interest, premium, debt servicing, contributions to reserves, or other costs associated with such borrowing.

(4) Other obligations or expenditures made to carry out any arena preconstruction activity described in section 204.

SEC. 204. ARENA PRECONSTRUCTION ACTIVITIES DESCRIBED.

The arena preconstruction activities described in this section are as follows:

(1) The acquisition of real property (or rights in real property) to serve as the site of the sports arena and related facilities.

(2) The clearance, preparation, grading, and development of the site of the sports arena and related facilities, including the demolition of existing buildings.

(3) The provision of sewer, water, and other utility facilities and infrastructure related to the sports arena.

(4) The financing of a Metrorail connection to the site and other Metrorail modifications related to the sports arena.

(5) The relocation of employees and facilities of the District of Columbia government displaced by the construction of the sports arena and related facilities.

(6) The use of environmental, legal, and consulting services (including services to obtain regulatory approvals) for the construction of the sports arena.

(7) The financing of administrative and transaction costs incurred in borrowing funds pursuant to section 201(a), including costs incurred in connection with the issuance, sale, and delivery of bonds, notes, or other obligations.

(8) The financing of other activities of the District of Columbia government associated with the development and construction of the sports arena, including the reimbursement of the District of Columbia government or others for costs incurred prior to the date of the enactment of this Act which were related to the sports arena, so long as the designated authority determines that such costs are adequately documented and that the incurring of such costs was reasonable.

TITLE III—WAIVER OF CONGRESSIONAL REVIEW

SEC. 3O1. WAIVER OF CONGRESSIONAL REVIEW OF ARENA TAX PAYMENT AND USE AMENDMENT ACT OF 1995.

Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the Arena Tax Payment and Use Amendment Act of 1995 (D.C. Act 11–115) shall take effect on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and the motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material thereon on H.R. 2108.

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

There was no objection.

AUTHORIZING SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 6, 1995, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 6, 1995

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 6, 1995.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD THROUGH FRIDAY, AUGUST 4, 1995

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that for the legislative days of Wednesday, August 2, Thursday, August 3, and Friday, August 4, 1995, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled ''Extension of Remarks.''

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

There was no objection.

DESIGNATION OF HON. THOMAS M. DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 6, 1995

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 4, 1995.

I hereby designate the Honorable THOMAS M. DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 1995.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

PROPOSED AGREEMENT BETWEEN GOVERNMENT OF THE UNITED STATES AND GOVERNMENT OF REPUBLIC OF BULGARIA FOR COOPERATION IN PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–108)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Republic of Bulgaria for Cooperation in the Field of Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum

submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Bulgaria has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and Bulgaria under appropriate conditions and controls reflecting our strong common commitment to nuclear non-proliferation goals.

Bulgaria has consistently supported international efforts to prevent the spread of nuclear weapons. It was an original signatory of the Non-Proliferation Treaty (NPT) and has strongly supported the Treaty. As a subscriber to the Nuclear Supplier Group (NSG) Guidelines, it is committed to implementing a responsible nuclear export policy. It played a constructive role in the NSG effort to develop additional guidelines for the export of nuclear-related dual-use commodities. In 1990 it initiated a policy of requiring full-scope International Atomic Energy Agency (IAEA) safeguards as a condition of significant new nuclear supply to other nonnuclear weapon states.

I believe that peaceful nuclear cooperation with Bulgaria under the proposed agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Eastern Europe. Cooperation under the agreement will also provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

REPORT ON NATION'S ENERGY POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

Throughout this century, energy has played a prominent role in American progress. The rise of the great industrial enterprises, the ascendance of the automobile, the emergence of environmental awareness, and the advent of the truly global economy all relate to the way that society produces and uses energy. As we face the opportunities and challenges of the next century, energy will continue to exert a powerful influence on our Nation's prosperity, security, and environment.

Energy policies that promote efficiency, domestic energy production, scientific and technological advances, and American exports help sustain a strong domestic economy. The need to protect the environment motivates our continual search for more innovative, economic, and clean ways to produce and use energy. And although oil crises have receded into memory, their potential for harming our economy and national security remains.

Our Administration has actively pursued a national energy policy since January 1993. We have engaged in an active dialogue with thousands of individuals, companies, and organizations. Informed by that dialogue, we have committed the resources of the Department of Energy and other agencies to ensure that our policy benefits energy consumers, producers, the environment, and the average citizen.

This report to the Congress, required by section 801 of the Department of Energy Organization Act, highlights our Nation's energy policy. The report underscores our commitment to implement a sustainable energy strategy—one that meets the needs of today while expanding the opportunities for America's future. By implementing a sustainable strategy, our energy policy will provide clean and secure energy for a competitive economy into the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE BUDGET, 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight.

To the Congress of the United States:

In accordance with section 106(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, I am transmitting the District of Columbia Financial Responsibility and Management Assistance Authority's operating budget for FY 1996.

The Authority's request for its FY 1996 operating budget is $3.5 million. This budget was developed based on an estimated staffing level of 35 full-time employees. After reviewing the budgets and staffing levels of other control boards, the Authority believes this staffing level is the minimum necessary to carry out its wide range of fiscal, management, and legal responsibilities.

This transmittal does not represent an endorsement of the budget's contents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

WOMEN'S SUFFRAGE AMENDMENT

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, as one of the seven new Republican women elected to this House as part of the ''Year of the Republican Woman,'' I come to the floor today to tell the untold story about women's rights.

This month marks the 75th anniversary of women's suffrage. August 26, 1920, was the date that American women first obtained the right to vote in our country. And it took a Republican Congress to pass the Equal Suffrage amendment. After being killed four times in a Democratic-controlled Congress, the Republicans passed the amendment and sent it to be ratified by 36 States.

The Republican party was the first major party to advocate equal rights for women and the principle of equal pay for equal work. This party supported the suffrage amendment throughout its long and ultimately successful campaign.

The Republican party is committed to equal opportunity and we are committed to women's rights. Mr. Speaker, this party is pro-woman.

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the Republican Congress has put forward a budget blueprint to cut Medicare by $270 billion, but have yet to illustrate how they are going to slash this program.

Many constituents have written me expressing grave concern about the largest cuts in Medicare history and have asked how they will affect them. Unfortunately, I do not have definite answers to my constituents' concerns.

My fear is that the Republicans are going to rush Medicare changes through the House of Representatives in September within a matter of days and attempt to force a vote on this issue before the American public has an opportunity to examine how these cuts will impact them.

This is not the proper way to run Government or be honest with the American public.

If the Republicans truly wanted to improve Medicare, then they wouldn't start by just cutting money from the program.

They are making their cuts on the backs of senior citizens and threatening the Medicare Contract With America's Seniors.

Mr. Speaker, I also want to express my concern over the House action earlier this week to reverse the Stokes-Boehlert amendment to the VA, HUD, and Independent Agencies appropriations bill.

The supporters of this amendment were trying to prevent a package of measures limiting the EPA's ability to improve, implement, and enforce environmental regulations.

These curbs on the EPA's ability to enforce air and water quality standards are now unfortunately back in the bill which passed the House on Monday. They limit EPA's ability to spend funds on activities related to the Clean Water Act, the Clean Air Act, RCRA, and Superfund—they even prevent the EPA from establishing drinking water standards for radon and arsenic—both known carcinogens.

These provisions are terrible in terms of the effects they will have on the environment.

One provision in particular prohibits EPA from using funds to assess any penalty where the state gives the polluter immunity from prosecution because the polluter voluntarily conducts an environmental audit.

I think most people in America would agree that no corporation should be able to pollute without paying the price.

Yet, the language that is included in this bill prevents EPA from assessing a penalty whether or not a state takes any action against a violator. In essence, the polluter is immune from an EPA assessed penalty whether they correct their violation or not.

The self-audit privilege in this bill does nothing to help the good guys—those businesses and individuals that are trying to comply with the law—while it can easily serve as a shield to hide behind for conscious yet continuing violators.

The result will be that those who are working to be in compliance with the law now will still work toward that end, while those who choose to violate the law will have an out from penalization.

The bill already cuts EPA's enforcement budget in half. This and other provisions only serve to tie the agency's hands further by compromising its ability to enforce environmental regulations.

It is the enforcement of these regulations that have increased the quality of the water we drink and fish and swim in and the quality of the air we breath. Without enforcement, the statutes we have on the books become hollow.

If it wasn't offensive enough that these provisions were in the bill to begin with, it is even more offensive that after the environmental victory of voting them out, this body voted to put them back into the bill again.

REPUBLICAN MEDICARE SPENDING REDUCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express deep concern about proposed Republican Medicare spending cuts.

All the evidence—an increasing Medicare-aged population, extended life expectancies, and inflation—points to Medicare costs rising 7.7 percent per year. Yet, the Republicans are budgeting for only a 5.8 percent per year Medicare growth rate. Holding the Medicare growth rate to 5.8 percent ignores the fact that the percentage of older and less healthy Medicare recipients is increasing. Since 1966, the percentage of Medicare recipients in the various age groups has undergone the following changes:

[In percent]

Age group	1965	Present
85 and older	7	11
80–84	10	13
75–79	20	20
70–74	28	26
65–69	34	30

The resulting gap between Medicare funding and Medicare costs will reduce the scope and quality of medical care provided. There is no other way.

The Republican budget does little to contain rising medical costs. Instead, it simply cuts the amount of Federal Government will have to pay to cover these costs. By ensuring that Medicare beneficiaries will have fewer benefits, the Republicans will undo much of what Medicare has accomplished over the past 30 years. These accomplishments are astounding, and include:

(A) Dropping the poverty rate among seniors from 30 percent to just 12 percent;

(B) Increasing the rate of health care coverage for seniors from 50 percent to 97 percent;

(C) Extending health care coverage to seniors most in need as evidenced by the fact that 83 percent of Medicare recipients earn less than $25,000;

(D) Increasing access to health care for minorities by ending the pre-Medicare practice of certain hospitals and nursing homes of denying treatment to minorities;

(E) Reducing the rate of heart- and stroke-related deaths by 40 percent and 63 percent, respectively, between 1960 and 1991; and

(F) Extending life expectancies for women who live to 65 from 16 to 19 years and for men who live to 65 from 13 years to 16 years since 1965.

Republicans argue that they are saving—not dismantling—Medicare. They say Medicare spending must be reduced drastically. They cite the recent Medicare trustees report which indicates that the Medicare trust fund may be broke in 2002. What the Republicans don't say is that every Medicare trustees report has predicted the trust fund's impending insolvency. The 1970 report predicted insolvency in 1972, the 1972 report picked 1976, the 1982 report said 1987, an so on. Congress acted to avoid the impending insolvency following the release of those reports. And, each time Congress acted, it did not have to cut back on Medicare benefits to the elderly. Furthermore, the recent trustees report advises that the financial standing of the Medicare trust fund could cover a wider span of years. In other words, the trustees report states that the trust fund could become insolvent in 2002—in 7 years—or in the year 2006—in 11 years—or 2009—in 14 years. Given that the recent Medicare trustees report predicts trust fund's insolvency in different years and the fact that the dire consequences of insolvency predicted in earlier trustees report have not occurred, I believe the Republican use of the recent Medicare trustees report is both exploitative and unjustified. The report has been used by Republicans who had to find some way to pay for their tax cuts that will, in large part, benefit mainly the Nation's top 1 percent of income earners. There is little doubt that the Republicans are slashing Medicare spending by $270 billion solely to pay for their $245 billion tax cut. If the Republicans' objective was to improve Medicare's financial condition, they would be proposing much smaller Medicare spending reductions, and recommending instead cost containment proposals.

I respectfully submit that if the Republicans are truly serious about saving Medicare, their budget plan would seek to contain rising medical medical costs rather than just hold down what the Federal Government will pay for such costs. The proposed Republican Medicare spending reductions of $270 billion is difficult to comprehend and impossible to justify.

The American public must not be fooled into thinking that these cuts are necessary to save Medicare from insolvency. These monstrous cuts are solely to pay for the Republican tax cuts.

It must not be allowed to happen.

QUESTIONS REGARDING THE SECRETARY OF ENERGY'S TRAVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I think that you are aware that as the Chairman of the Committee on the Budget Working Group on National Security, I have spent a great deal of time with respect to the Department of Energy and examining the needs and missions of the Department of Energy and making a full investigation into what is going on there.

As a result of that, it has been called to my attention, and I have found out a great deal about certain travel habits of the Secretary of Energy from the perspective of the monies that have been transferred from the accounts in the programs that safeguard nuclear energy and nuclear weapons, away from those programs and into the travel accounts.

I wanted, today, to talk about a different problem that has been brought to my attention with respect to the travel. The Secretary has justified these trips, among other reasons, for the benefit that they have brought to American companies that have been able to generate a great deal of commercial transactions as a result.

In fact, the Secretary has made claims of about $20 billion with respect to the amount of transactions that have been entered into as a result of her travels.

□ 1600

In fact, it has not been brought to my attention that there have been any more than about $400,000 or $500,000 of actual committed contracts; and what I wanted to talk about today was the cancellation of the Enron contract, which I believe can be tried directly to the Secretary's involvement.

In other words, what I am saying is that not only has the Secretary of Energy not been able to catalyze these contracts, but in this case, has actually damaged the relationship between the United States and India to the extent that the Enron contract has been canceled.

Mr. Speaker, today there was a Washington Times article about the cancellation of what is nearly a $2.8 billion power plant project at Dabhoi in Maharashtra, India. That is the state of which Bombay is the capital. This is where the Enron deal has been taking place.

They are building a nuclear plant there. It involves the Enron Corp., the U.S. corporation, General Electric, and Bechtel. This is a deal that had a great deal of support from OPIC and from the Export-Import Bank, and it has been the target of intense criticism by nationalists in India.

Nonetheless, President Clinton felt that it was necessary to sanction two trade missions to India, led by Secretary O'Leary, in July 1994 and then in February 1995, trips that served to raise the profile of the already controversial Enron deal.

In the wake of the February trade mission, the Maharashtra state government was defeated by a nationalist coalition that ran on its distinctly anti-American platform with particular venom reserved for the Enron deal.

Nevertheless, the new state government and Maharashtra did not immediately terminate the Enron deal. That came only very, very recently, in the last 3 days, after Secretary O'Leary very unwisely threatened the Indian Government, without Clinton administration approval, by stating that, ''The failure to honor the agreements between the project partners and the various Indian governments will jeopardize not only the Dabhoi project, but also the other private power projects that are being proposed for international financing.''

It has been widely reported in the Indian press that as a result of that, this blatant intimidation tactic on the part of Secretary O'Leary inflamed the national sentiments in this state of India during what was already a very, very tough and sensitive process in terms of trying to save this deal. Then the governments of Dabhoi and Maharashtra canceled this.

I want to share with my colleagues just two thoughts about this, because I think it is important to understand that the conducting of this trade mission has not only been an expensive boondoggle serving the Secretary's wanderlust, but in this case, the intimidating and blatant threats have actually killed the deal.

I want to show my colleagues that this is something that the Secretary sent to all of the people that were on the trade mission in February. It says, ''A Mission to India.'' It is an alternative view by Carl Stoiber. Carl Stoiber is the director of international programs for the Nuclear Regulatory Commission. This was produced and distributed out of Secretary O'Leary's office.

As can be seen, there is a one cartoon, she says, ''Yes, the Air Force runs a really great flying cocktail lounge.'' Here is another one, ''Let's make sure we stop in Shannon on the return flight.'' They did, in fact, stop in Shannon.

The last one I want to show, and we can understand how perhaps the Indian Government might take some offense, there is a can of milk; it says, ''not concentrated milk.'' It says, ''simmered milk,'' and then it has a picture of a cow and it says ''with cow dung patties.''

This was distributed by the Secretary of Energy and sent out from her office. I think it is time that we had a full-scale investigation of the travel office and the travels of the Secretary of Energy.

KOREAN WAR MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, with all the rush of events, before we take a long 5-week break, I wanted to mention what will be one of my greatest memories serving in Washington, and that was the dedication a few days ago of the Korean War Memorial.

It was absolutely an inspiring day. Veterans of the Korean conflict came from all over the country, some from around the world, to be part of this memorial ceremony. Most of them were a bit hurt that it was not a Ronald Reagan or someone like that to officiate as the Commander in Chief.

They felt the speech that Mr. Clinton delivered could have been the very same speech with the word ''Vietnam'' transposed instead of the word ''Korea.'' They are both small Asian countries, almost the same identical population, both divided as a fallout of World War II and the end of colonialism, whether it was French colonialism or Japanese imperial warlord colonialism.

One had a DMZ on either side of the 30th parallel; the other had a DMZ on either side of the 17th parallel. As we look across the reflecting ponds from this uplifting Korean War Memorial, we think how sad the struggle was, the birth pangs of the Vietnam Memorial which came chronologically, in a strange way ahead of the Korean Memorial. One can see that, by design, the Korean Memorial was to elicit not a feeling of inspiration, which turned out to be true the minute the first hero's name was etched into the black marble, but somehow or another was supposedly to evoke shame, a black gash in the ground the way it was described by its 21-year-old young architect.

No American flag was ever to be on top, in front of or at either end of that memorial.

I was in pilot training when the Korean War mercifully came to an end after two years and thousands of deaths while they argued over a negotiating table, the same way the Vietnam War dragged on for two or three years from 1968, 1969, 1970, 1971, 1972, 1973, all over arguments, in the same city, Paris basically, P'anmunjom, Paris, the same type of communist negotiators, never negotiating in good faith. It was tragic.

Those of us who were veterans, in the House fought to get a flag at the Vietnam Memorial, and they made us take it off the top, put it down in front in the grassy courtyard area where the gash was to be cut into the earth, the depression. Then we fought for a statue of three Americans, a Hispanic-American, an African-American, a heritage soldier, a soldier representing all of the other various heritages.

Now, I can totally understand why Native Americans who fought in every one of our wars and on both sides of the so-called Plains Wars would like some sort of recognition with a memorial, and I promised the Native American Indian vets that I would fight for that.

Mr. Speaker, we finally got the statue approved. It is beautiful and inspirational. When we left the room, a source

told me later, they pushed the flag and the three beautiful soldiers into the woods where they are today, around the flag. It has a great memorial plaque. It says, These men fought wonderfully.

There are eight women's names on the Vietnam Wall, and it says, Under very difficult circumstances. This is Vietnam.

Yes, the same type of difficult circumstances with no win nor strategy for victory in Korea, but at least, in Korea, half a victory. Korea is now the 14th most vibrant economic nation in the world. There was a half a victory there, half the country is free.

But we walked out on our allies in Vietnam. The end result was the killing fields, 68,000 of our friends executed, in concentration camps, killing fields in Laos, 750,000 dead. In the South China Sea, pirates, rape, murder, sharks, drowning, all of that dismissed by Mr. Clinton when he tries to normalize with the communist congress in Hanoi.

Well, Mr. Speaker, yesterday in the Wall Street Journal, Thursday, August 3, there was an article, ''How North Vietnam Won the War.'' I ask unanimous consent to put this in the RECORD. When we come back in, I will take a special order and read it word for word slowly.

I am not being humorous, Mr. Speaker. Every single question a young scholar would want to know about Vietnam is in this Wall Street Journal article. It will go in today's RECORD.

[From the Wall Street Journal, Aug. 3, 1995]

HOW NORTH VIETNAM WON THE WAR

What did the North Vietnamese leadership think of the American antiwar movement? What was the purpose of the Tet Offensive? How could the U.S. have been more successful in fighting the Vietnam War? Bui Tin, a former colonel in the North Vietnamese army, answers these questions in the following excerpts from an interview conducted by Stephen Young, a Minnesota attorney and human-rights activist. Bui Tin, who served on the general staff of North Vietnam's army, received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the official newspaper of Vietnam, he now lives in Paris, where he immigrated after becoming disillusioned with the fruits of Vietnamese communism.

Question: How did Hanoi intend to defeat the Americans?

Answer: By fighting a long war which would break their will to help South Vietnam. Ho Chi Minh said.

Question: How did Hanoi intend to defeat the Americans?

Q. Was the American antiwar movement important to Hanoi's victory?

A: It was essential to our strategy. Support for the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark and ministers gave us confidence that we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she was ashamed of American actions in the war and that she would struggle along with us.

Q: Did the Politburo pay attention to these visits?

A: Keenly.

Q: Why?

A: Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor. America lost because of its democracy; through dissent and protest it lost the ability to mobilize a will to win.

Q: How could the Americans have won the war?

A: Cut the Ho Chi Minh trail inside Laos. If Johnson had granted [Gen. William] Westmoreland's requests to enter Laos and block the Ho Chi Minh trail, Hanoi could not have won the war.

Q: Anything else?

A: Train South Vietnam's generals. The junior South Vietnamese officers were good, competent and courageous, but the commanding general officers were inept.

Q. Did Hanoi expect that the National Liberation Front would win power in South Vietnam?

A: No. Gen. [Vo Nguyen] Giap [commander of the North Vietnamese army] believed that guerilla warfare was important but not sufficient for victory. Regular military divisions with artillery and armor would be needed. The Chinese believed in fighting only with guerrillas, but we had a different approach. The Chinese were reluctant to help us. Le Duan [secretary general of the Vietamese Communist Party] once told Mao Tse-tung that if you help us, we are sure to win; if you don't, we will still win, but we will have to sacrifice one, or two million more soldiers to do so.

Q: Was the National Liberation Front an independent political movement of South Vietnamese?

A: No. It was set up by our Communist Party to implement a decision of the Third Party Congress of September 1960. We always said there was only one party, only one army in the war to liberate the South and unify the nation. At all times there was only one party commissar in command of the South.

Q: Why was the Ho Chi Minh trail so important?

A: It was the only way to bring sufficient military power to bear on the fighting in the South. Building and maintaining the trail was a huge effort, involving tens of thousands of soldiers, drivers, repair teams, medical stations, communication units.

A: Not very effective. Our operations were never compromised by attacks on the trail. At times, accurate B–52 strikes would cause real damage, but we put so much in at the top of the trail that enough men and weapons to prolong the war always came out the bottom. Bombing by smaller planes rarely hit significant targets.

Q: What of American bombing of North Vietnam?

A: If all the bombing has been concentrated at one time, it would have hurt our efforts. But the bombing was expanded in slow stages under Johnson and it didn't worry us. We had plenty of time to prepare alternative routes and facilities. We always had stockpiles of rice ready to feed the people for months if a harvest were damaged. The Soviets bought rice from Thailand for us.

Q: What was the purpose of the 1968 Tet Offensive?

A: To relieve the pressure Gen. Westmoreland was putting on us in late 1966 and 1967 and to weaken American resolve during a presidential election year.

Q: What about Gen. Westmoreland's strategy and tactics caused you concern?

A: Our senior commander in the South, Gen. Nguyen Chi Thanh, knew that we were losing base areas, control of the rural population and that his main forces were being pushed out to the borders of South Vietnam. He also worried that Westmoreland might receive permission to enter Laos and cut the Ho Chi Minh Trail.

In January 1967, after discussions with Le Duan, Gen. Thanh proposed the Tet Offensive. Thanh was the senior member of the Politburo in South Vietnam. He supervised the entire war effort. Thanh's struggle philosophy was that ''America is wealthy but not resolute,'' and ''squeeze tight to the American chest and attack.'' He was invited up to Hanoi for further discussions, He went on commercial flights with a false passport from Cambodia to Hong Kong and then to Hanoi. Only in July was his plan adopted by the leadership. Then Johnson had rejected Westmoreland's request for 200,000 more troops. We realized that America had made its maximum military commitment to the war. Vietnam was not sufficiently important for the United States to call up its reserves. We had stretched American power to a breaking point. When more frustration set in, all the Americans could do would be to withdraw; they had no more troops to send over.

Tet was designed to influence American public opinion. We would attack poorly defended parts of South Vietnam cities during a holiday and a truce when few South Vietnamese troops would be on duty. Before the main attack, we would entice American units to advance close to the borders, away from the cities. By attacking all South Vietnam's major cities, we would spread out our forces and neutralize the impact of American firepower. Attacking on a broad front, we would lose some battles but win others. We used local forces nearby each target to frustrate discovery of our plans. Small teams like the one which attacked the U.S. Embassy in Saigon, would be sufficient. It was a guerrilla strategy of hit-and-run raids.

Q: What about the results?

A: Our losses were staggering and a complete surprise, Giap later told me that Tet had been a military defeat, though we had gained the planned political advantages when Johnson agreed to negotiate and did not run for re-election. The second and third waves in May and September were, in retrospect, mistakes. Our forces in the South were nearly wiped out by all the fighting in 1968. It took us until 1971 to re-establish our presence, but we had to use North Vietnamese troops as local guerrillas. If the American forces had not begun to withdraw under Nixon in 1969, they could have punished us severely. We suffered badly in 1969 and 1970 as it was.

Q: What of Nixon?

A: Well, when Nixon stepped down because of Watergate we knew we would win. Pham Van Dong [prime minister of North Vietnam] said of Gerald Ford, the new president, ''he's the weakest president in U.S. history; the people didn't elect him; even if you gave him candy, he doesn't dare to intervene in Vietnam again.'' We tested Ford's resolve by attacking Phuoc Long in January 1995. When Ford kept American B–52's in their hangers our leadership decided on a big offensive against South Vietnam.

Q: What else?

A: We had the impression that American commanders had their hands tied by political factors. Your generals could never deploy a maximum force for greatest military effect.

PERMISSION FOR MEMBERS TO REVISE AND EXTEND THEIR REMARKS IN THE RECORD UNTIL SEPTEMBER 6, 1995, NOTWITHSTANDING ADJOURNMENT

Mr. WISE. Mr. Speaker, before I begin, I ask unanimous consent that, notwithstanding the adjournment of the House until Wednesday, September 6, 1995, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

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

There was no objection.

FRAUDULENT CORRESPONDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I want to talk about the telecommunications bill, but I also want to say that communication from my constituents is very important to me because that is one of many ways that one deals with issues and shapes views.

But unfortunately, during this debate, that very communications has been compromised for the first time in the time that I have had the privilege of serving in the House. I hold up, Mr. Speaker, generated communications, letters with names and addresses of constituents ranging from Martinsburg to Harpers Ferry, to Weston, to Charleston, to Ravenswood, to Ripley, all across the State of West Virginia.

Mr. Speaker, I hold up 550 letters. This was the amount of mail coming in in the last few days on the telecommunications bill, all expressing one point of view.

We decided to do a survey to find out whether people and genuinely been behind these letters. What I found, Mr. Speaker, was that in contacting 15 people, we found 8 people of the 15 who were unaware that their names were on one of these letters. We found out, Mr. Speaker, that of the 15, 3 were deceased and he had been dead for 6 to 7 years.

We found out that 4 people were aware. What that means, Mr. Speaker, is about two-thirds of the people listed here may not have actually communicated with my office, but their names were used to represent it.

This is an outrage, Mr. Speaker. I encourage my constituents, as all my colleagues do, Mr. Speaker, to write, to express their opinions. For the first time, the credibility of their written opinions has been put at risk. I hope that something will be done about this.

I encourage constituents to write directly or to call; that way, we know what their opinions are.

Mr. Speakers, I am voting against this telecommunications bill, mainly because of the cable provisions. I fought too hard in this Congress for several years to try and get some regulation of cable rates, and yet, with the passage of this legislation, rural cable rates can be deregulated immediately. What that means is that in West Virginia, 40 percent of the cable could become deregulated upon enactment. That is very significant.

Mr. Speaker, despite what some may say, before regulation in 1992, before we were able to get some control over rates, cable rates had gone up 61 percent, or 3 times the rate of inflation. Following regulation and the ability to monitor some of the rates, the rates went down, in some cases as much as 17 percent, and consumers were saved $3 billion. That is all now put at risk by the passage of this bill.

Mr. Speaker, I did not come here to vote for an immediate rate increase for cable users. I think that that is something that has to be dealt with to clean this bill up, so that by Christmas, our cable users are not seeing a $5 to $7 increase.

I want competition in the cable industry like everyone else, but unfortunately, the cable rates can be raised before there is effective competition, and that does not benefit anyone.

Finally, Mr. Speaker, I think it is important that in this legislation, the V-chip passed. I am holding up a V-chip, Mr. Speaker, very thin, very inexpensive, but what it does is give parents control over the TV sets that their children are watching. All of us, as parents, want to know that we have some input into what our children learn and what they see and what they watch on television.

This V-chip is not censorship. It is parental control, and all it does is say that parents may, with this V-chip in the TV set, will now be able to program out that which is rated as violent. Some say that is censorship; perhaps those in Hollywood think it is censorship.

Mr. Speaker, nothing stops what comes across the television screen, but what can stop the material from being seen by a child whose parent does not want it seen is this V-chip. So we are going to fight hard to make sure this V-chip stays inside the television set.

With this V-chip, Mr. Speaker, you can take a very, very big bite out of the violence that your children see.

□ 1615

So I think it is important that this stay in this telecommunications legislation. My hope is that eventually there will be a bill that we can support, but this bill today, particularly what it does to rural cable users, is not the bill to be supporting.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

[Mrs. SEASTRAND address the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR address the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

[Mr. CONYERS address the House. His remarks will appear hereafter in the Extensions of Remarks.]

A TRIBUTE TO LORRAINE MILLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to recognize an exceptional young woman whom I deeply admire, Lorraine C. Miller, who is a Deputy Assistant to the President for Legislative Affairs. Lorraine is leaving that position to become Director of Congressional Relations at the Federal Trade Commission after 14 years of distinguished service here in the House of Representatives.

Mr. Speaker, Lorraine is a proud native of northwestern Texas who, prior to joining the White House staff, served this body in the office of Speaker Tom Foley, in the office of Speaker Jim Wright, and as floor assistant for the gentleman from Georgia [Mr. LEWIS]. During her tenure here with the Office of Legislative Affairs, Lorraine has served the President and her country very well. Working extremely long hours and under stressful time-crunch conditions, Lorraine served us, and she calls us her constituents, in ways many may not be aware of. She has fought tirelessly on issues we care about and made sure our concerns were her priority. Her willingness to go beyond the duty to both inform and assist is well-known to Member of this body.

Lorraine's legislative expertise covered a broad spectrum in urban issues to rural concerns, from the environment to NAFTA and GATT, from regulatory reform to space programs and so on. Her pleasant demeanor and her political savvy in helping to move important legislative issues through the House has become legendary.

Lorraine is going to be missed as he embarks upon her new career, and so to her I would say, ''Lorraine, you have been an invaluable asset to the Democratic Members of Congress, and we are pleased that we have had a person of your esteem, and your grace, and character to work along with us.'' I am sure

that you will all join me in saying thanks to Lorraine for a job exceptionally well done.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I was unable to attend the session on Thursday, August 3, 1995. Had I been present, I would have voted as follows: 618—''no''; 619—''yes''; 620—''yes''; 621—''no''; 622—''yes''; 623—''no''; 624—''yes''; 625—''yes''; 626—''no''.

VIACOM REVISITED: REPEAL OF THE TAX CERTIFICATION PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DIXON] is recognized for 60 minutes as the designee of the minority leader.

Mr. DIXON. Mr. Speaker, before we leave for the recess, I wanted to take the opportunity to revisit our actions on February 21. On that day the House passed H.R. 831. The legislation ended a very successful minority tax certificate program and scuttled Viacom Inc.'s plans to sell its cable systems to a minority broadcasting company.

This was done under the guise of paying for a 25 percent health insurance tax deduction for the self-employed. Proponents of the move claimed that $1.3 billion would be saved by ending the minority tax certificate program.

I strongly support legislation to ensure the deductibility of health insurance costs. However, I voted against H.R. 831 because the bill eliminated a program that provided minorities with the opportunity to own broadcast properties.

As a result of the elimination of the minority tax certificate program, Viacom has structured a new deal. Last week it was reported that Viacom has moved to rid itself of its cable systems, this time without selling to a minority entrepreneur. And guess what? There will be no addition of capital gains taxes to the Treasury.

My question is: What have we accomplished by repealing the tax certificate program, other than preventing a minority from owning Viacom's cable systems and reducing opportunities that future minority companies have to own broadcast properties?

For my colleagues who do not remember, let me recap the events. In January Viacom announced that it would sell its cable television systems to a partnership that was led by an African-American communications entrepreneur. That deal was ended by those who opposed a capital gains tax benefit that Viacom would have received for selling to a minority.

Representative BUNNING of the Ways and Means Committee explained the Republican's reason for ending the tax benefit when he said ''to pay for the 25 percent deduction, the bill repeals section 1701 of the Tax Code, that allows the FCC to issue tax certificates to companies that sell telecommunications properties to businesses with minority interests.''

The tax benefit sought by Viacom was part of the Federal Communication Commission's tax certificate policy program. Created in 1943, it has been used for a variety of reasons. In 1978 the FCC began using the program to promote the sale of radio and television stations to minorities.

This program has been successful. From 1978 to 1995, the program resulted in increasing minority ownership of all broadcast properties from only 0.5 percent to 2.9 percent.

If the January Viacom deal had gone through, the FCC would have issued a tax certificate to Viacom. Viacom would have sent the tax certificate to the Internal Revenue Service and would have deferred paying capital gains taxes on the deal. The new Viacom deal will have essentially the same effect on the Treasury as the original deal—a deferral of tax revenue.

Although Republicans wanted to use the revenue to pay for the health insurance deduction, all the program's repeal has done is hinder minority access to capital and to broadcasting.

During debate on H.R. 831, Ways and Means Committee Chairman BILL ARCHER said that ''the cost of the deduction's permanent extension is fully funded by several provisions which will greatly improve our Nation's tax laws.'' I do not see how ending the minority tax certificate program improves our tax laws when doing so only serves to impede minority access to ownership of broadcasting operations.

The Joint Committee on Taxation calculated that extending the 25 percent health insurance deduction for the self-employed would cost $2.9 billion between 1995 and 2000. The committee also calculated the repeal of the minority tax certificate program at $1.3 billion over five years, nearly half the revenue needed for the health deduction. If other deals are made to avoid paying capital gains taxes, where does that revenue come from?

While you may need an expert tax attorney to grasp the intricacies of the new Viacom deal, the results are easily explained. Viacom achieves its goal of paying no capital gains taxes and eliminates a large portion of its debt. TCI benefits by expanding its portion of the cable television market.

There is no benefit to the Treasury; no payment for the self-employed tax deduction; and no chance to expand minority ownership in broadcasting.

Let me be clear, there is nothing unusual about a company structuring a deal to avoid paying taxes. It happens all the time, and certainly proponents of ending the tax certificate program know that.

I believe that it was disingenuous for the Republicans to use the repeal of the section 1071 program to ''pay'' for the health insurance deduction. There was no basis for acting on that assumption. Witnesses at hearings on the tax certificate program alerted them to the problems with that assumption.

Raul Alarcon, Jr., the president of the Spanish Broadcasting System had it right when he told the Ways and Means Committee:

> It cannot be assumed that, but for the tax certificate program, each and every sale to a minority owner would have generated tax revenues in the year of the sale. Many owners would not sell their properties at all if they couldn't defer the taxes—or they would search for other tax-favored ways to sell their properties.

Beyond paying for H.R. 831, Republicans also argued that the minority tax certificate program should be repealed because it is unfair. This is certainly not true. Mr. William Kennard, general counsel for the FCC, pointed out that the tax certificate program is not a quota. It is not even a set aside. As he said, ''It is a minimally intrusive, market-based incentive which has worked.'' The program has helped minorities overcome, in Mr. Kennard's words, the ''greatest obstacle to ownership—attracting the necessary capital.''

During the February 21 debate on the measure, Chairman ARCHER said that tax benefits should not be conditioned on classifications such as race or ethnicity. ''Our tax laws should be, as I am, color blind.''

The color blindness of the tax code is not the point. The point is that the tax code is used for a variety of public policy goals, such as savings and investment. It was good public policy to use the tax code to enhance minorities' access to capital and to encourage minority entrepreneurship.

In response to the concerns raised about tax certificate abuse, Ways and Means ranking member SAM GIBBONS and Representative JIM MCDERMOTT offered a substitute to H.R. 831 which preserved health insurance deductions for the self-employed and reformed the tax certificate program.

The substitute would have capped the amount of capital gains taxes that could be deferred under the tax certificate program at $50 million and made significant reforms.

The Republicans opposed this alternative. An alternative which address concerns about abuse of the program—without completely dismantling the certificate program.

So what did the bill do? It eliminated a program which helped minority companies gain a foothold in broadcasting. It did not fund the health insurance tax deduction TCI, the Nation's largest cable systems operator, becomes even larger.

With the new Viacom deal in the works, where is the Republican opposition to another huge deferral of capital gains taxes? Where are the calls for

hearings on whether Viacom has unfairly prevented the government from collecting tax revenue? I don't expect to hear them.

I guess it is okay for nonminorities to avoid paying capital gains taxes, as long as they don't help minority entrepreneurs along the way.

Mr. Speaker, I would be pleased to yield to the gentleman from South Carolina [Mr. CLYBURN].

□ 1630

Mr. CLYBURN. I thank the gentleman for yielding. Mr. Speaker, I rise to express my outrage with congressional actions which discourage minority ownership of telecommunications businesses, while at the same time letting stand tax laws which encourage ownership among white owned entities.

In February, this body voted to kill a Federal program that provided tax breaks to companies that sell broadcast stations and cable TV systems to minorities. These actions were spurred by Viacom Inc.'s proposed $2.3 billion sale of its cable TV systems to a group led by an African-American entrepreneur. The Federal Communications Commission minority tax certificate program allowed companies that sold to minority buyers to defer capital gains taxes on sales of radio and TV stations and cable systems. The program was designed to encourage such sales and to broaden minority ownership in an industry that is overwhelmingly dominated by whites.

The tax certificate program was established in 1978 and had been supported through four administrations, both Democratic and Republican. It was responsible for a fivefold increase in the minority ownership of broadcast properties. Even with that success, however, minorities represent only 3 percent of the industry's ownership today.

In this deal, Viacom would have been entitled to defer paying more than $400 million in taxes under the program. While the program involved tax deferment, Viacom still would have been liable for the $400 million in taxes at a later date. It would have had to reduce the amount by which it could write off other assets in the future. The U.S. Treasury would have eventually received these moneys and a single African-American would have become a small player in the telecommunications arena. By repealing the minority tax certificate program, the Congress sent a strong message that it has no interest in increasing minority ownership in the cable and TV industry.

Mr. Speaker, most interestingly, Viacom did eventually sell its cable division to a company known as Tele-Communications Inc. Under obscure tax provisions, this deal enables Viacom to avoid capital-gains taxes. This new deal means that Viacom will escape capital-gains taxes altogether. Its an even better deal than the sale to the minority buyer.

The message this scenario sends to the American people is that it is okay for sellers such as Viacom to benefit from the Tax Code when the buyers are white, but not OK when the buyers are African-American or other minorities. True, Congress closed what has commonly been called the minority tax certificate ''loophole.'' However, after these latest transactions, neither Viacom nor Tele-Communications has suffered. In fact, they both have benefitted by the shrewd use of the Tax Code. Minorities, on the other hand, are discouraged, and to some degree even prohibited, from seeking ownership of telecommunications entities. Shame on this Congress. There is much work to do.

Mr. DIXON. I thank the gentleman for his excellent comment on this issue and would yield to the gentleman from North Carolina for whatever time he may consume.

Mr. WATT of North Carolina. I thank the gentleman for yielding time to me, and I thank him for bringing this important issue to the attention of the Members of this body and to the American people.

Mr. Speaker, listen. What is that sound I hear? I think it is the deafening sound of silence that we always hear when we detect a double standard, and nobody, nobody wants to own up to it.

There is this deafening sound of silence about this Viacom deal because we knew there was an opportunity, we know there was an opportunity, and we know that an opportunity has been missed, and we know that a double standard has been set, and we know there is no justification for it except something is going on in our country that says anything that has any race notion to it, any equalization, any preference notion to it, any opportunity to equalize the playing field is going to get some kind of special scrutiny.

Well, we remember the Viacom deal last February. It was a deal that fell through because Republicans in this House rallied to repeal the minority tax certificate program.

That program permitted owners of broadcast and cable facilities to avoid capital gains taxes on the sale of broadcast or cable facilities to minorities. Had this program not been repealed an African-American business person would have become a serious player in the telecommunications industry. The program was designed to help minorities get some minimal foothold in the telecommunications industry.

We remember the deal, and we remember how outraged the Republicans were that a multimillion dollar corporation was going to get a tax break, a multimillion dollar majority corporation was going to get a tax break, they were outraged because they were going to get that tax break by selling a communications interest to a minority.

We remember how Americans were whipped into a frenzy over this issue because they were told that a huge corporation would avoid paying taxes for selling its holdings just because it was selling those holdings to a minority member who didn't need affirmative action anyway.

Well, if we had just done away with that program and gone on and forgotten about it, maybe the American people would understand and be satisfied, but that is not what happened. What goes around tends to come back around, and so it did.

Viacom never gave up on the notion, the majority company never gave up on the notion of tax avoidance, and they went out and they struck another deal with what happened to be another majority communications company called TCI. That deal avoids all taxation just like the other deal that was so objectionable.

And what do we hear? What have we heard from our Republican colleagues in this very body? Where are you? We hear the deafening sound of silence. Not a word.

Well, what are we to make of this? Is this a double standard? It's OK to avoid taxation. Viacom can avoid taxation as long as it is selling its communications interests to another majority company, but it is not OK to avoid taxation if it is selling its interest to a minority communications interest.

What's the deal? What is it that we are saying? Is it OK for TCI and Viacom to avoid taxation through complex business deals? Is that OK? Is that affirmative action of some kind for those majority companies?

It is certainly an advantage that our Government has delivered to them to facilitate this deal and allow it to happen.

It is affirmative action when we provide a special consideration to our veterans because they have served our country? Is that an acceptable affirmative action?

Is it affirmative action when we say to major corporations that we will provide a tax credit for you to encourage you to do something good for our communities, to keep our air clean?

Well, I am not sure I understand the distinction between those kind of tax credits and savings and affirmative actions that benefit the majority community and the affirmative actions that you say are unacceptable when they benefit the minority community.

This entire Viacom episode really demonstrates once again as clearly as it can be demonstrated that we have gotten way out of whack when it comes to dealing with minority preferences and things that benefits minorities in this country. We cannot sit still for that to happen.

But what happens when the same kind of scenario plays out and benefits those who already have advantages? I submit to you, Mr. Speaker, it is a double standard, and we know what happens when there is a double standard and there is no, no, no justification for it.

We know what happens in this body, and we see it time after time after time after time. We hear it time after time after time. We hear that deafening sound of silence from our colleagues.

We have got to stand up and expose these things when they are inequities, and I commend my colleague from California for bringing this opportunity for us to make the statement in the interest of fairness because we will come back here after the break in this body, and I am sure we will not hear that deafening sound of silence from our colleagues come time to talk about affirmative action and things that may have some benefit to the minority community, but we certainly hear that deafening sound today.

I yield back to the gentleman from California and thank him again for sponsoring this special order today.

□ 1645

Mr. DIXON. I thank the gentleman from North Carolina for his contribution.

Mr. Speaker, just let me summarize what has occurred here over the past few months. I have served in this House for 18 years. I have not served on the Committee on Ways and Means, but I have served on the Committee on Appropriations. I have an idea of the conversations that went on.

This House wanted to participate in a program to allow people who were self-employed to deduct up to 25 percent of their medical insurance. We also at the same time had to find offsets for that money. It was going to cost $2.3 billion. Somebody ran in the room with an article from a newspaper and said, ''Did you know that an African-American is going to participate in a deal, and the taxes on that deal to Viacom, the selling company, are going to be deferred?''

Someone else said, ''What is wrong with that?''

''Well, there are abuses in the program.''

''Well, let's address the abuses.''

The gentleman from Washington [Mr. MCDERMOTT] and the gentleman from Florida [Mr. GIBBONS] presented an amendment on this floor to address those abuses. But there were other voices in the room that said, ''But we need the money to offset the loss of revenue to the Treasury for the $2.3 billion.'' So we called in witnesses. Mr. Kinard from the FCC said, ''This is not a set-aside. It is not a quota. It is something that we have done because of good public policy, and we have been using this certificate for other things since about 1948.''

''But we need to offset. We need to find the money.''

Someone else came forward and said, ''do not anticipate this kind of revenue, because, yes, the tax certificate is used, but people will either not sell or find some other tax structure to avoid it.''

''But we need the revenue.''

This bill comes to this floor, and the representation is made that we have got to kill this Viacom deal. The policy is wrong, it is abused, let us correct it.

No.

Well, then, let us move forward, because when we kill this program, you see, it is going to produce $1.3 billion.

Wrong again. Mr. Speaker, 831 did three things: It eliminated what I believe in my heart was a good program, that encouraged entrepreneurship in broadcast industries; it provided no tax revenue to the Treasury; and TCI, the largest cable company in the country, just got a little bit bigger.

So there is no doubt, Mr. Speaker, that this is not a colorblind society. There is no doubt in my mind that it is not a colorblind society. But when you look at the totality, you cannot expect minorities and women to understand why it is good for the majority in this country to take advantage of a tax deferral, but not good for a minority.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289 AND H.R. 2062

Mr. MFUME. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1289 and H.R. 2062.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Is there objection to the request of the gentleman from Maryland?

There was no objection.

WHERE WE ARE IN THE PROCESS OF THE REMAKING OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have just concluded the debate and the vote on the appropriations bill for the Education, Labor, and Human Services portion of the budget. We have almost concluded the entire appropriations process. The big one left, of course, is the Department of Defense. This process moves us a little further along the road toward the remaking of America.

Speaker GINGRICH and the Republican majority have said they intend to remake America. Speaker GINGRICH also says that politics is war without blood. So we have concluded the first phase of the war. The Contract With America with just a warm-up. The budget and appropriations process really opened the blitzkrieg. The first phase of the blitzkrieg is about to come to an end.

I think it is important to take this time to note that it has been devastating indeed. The people of America, the caring majority, the majority of the people in America, have been the victims of the beginning of this scorched Earth policy. Tremendous cuts have been made already, and this is just the first year in the effort to balance the budget in a 7-year period. This is the easiest one.

These cuts will escalate greatly over the next few years. So whatever has begun today, as horrible as it may be, is only the beginning. It is very important that the American people understand that this is only the beginning, and $9 billion was cut from the Health and Human Services and Education and Labor budget, $9 billion for the budget year that begins October 1 1995 and goes to September 30, 1996.

If $9 billion was cut in this first round, you can imagine how much more will have to be cut and will be cut in the second round, the next budget year, because the budget for this year still leaves the Republicans, who are controlling the process now, with a deficit of $170 billion, the House-Senate budget that concluded, under which we are laboring with respect to the appropriations now. That budget still left us with a deficit in 1996 of $170 billion. Over the next 7 years, that deficit will go down from $170 billion to a surplus of $.614 billion in the year 2002.

In order to get that deficit down and end up with a surplus in the year 2002, drastic additional cuts have to be made. So it is important to understand where we are in the process of the remaking of America, in the process of this war without blood.

Speaker GINGRICH says that politics is war without blood, but he did not say it was without pain and he did not say it was without suffering. And there is a lot of blood, too. I think it is very important to note that in the process of making budget cuts in the appropriations process, the Committee on Appropriations went far beyond its jurisdiction, and they did a lot of legislating, against the rules; they violated the rules. This majority violates the rules whenever they see fit, and they have the same kind of contempt for rules that dictators and tyrants have. Rules are just to be played with the bourgeoisie and the folks who believe in little words on pieces of paper. They violate them when they get ready.

So a massive violation of the rules occurred in this appropriations process with respect to the Labor, Education, and Human Services appropriation. They had a large number of legislative matters introduced into the process. One of those matters related to the enforcement of health and safety standards on jobs by OSHA, the Occupational Health and Safety Administration.

One of those legislated items cut the effectiveness of OSHA by one-third. By cutting the budget by one-third and specifically saying that the cuts have to apply to the enforcement process, OSHA's enforcement administration, enforcement process, the people in charge of enforcing the rules and regulations on health and safety, they could not spend but two-thirds of their last year's budget. They are cut by one-third.

That is going to cause not just pain and suffering, but there will be some bleeding and dying, because last year

in America 10,000 workers bled and died on the job. Another 46,000 died as a result of diseases contracted or as a result of health conditions contracted on the job. They died elsewhere, but right on the job 10,000 died.

So in this process of making budget cuts, they have also legislated a less safe environment for all the workers in America. They have declared war on workers, and that war has casualties. That war has a body count. The body count and the casualties will go on.

There were many other areas within this appropriations process where the Committee on Appropriations usurped the powers of the authorizing committees and legislated. They changed the National Labor Relations Board's ability to operate by cutting them by 30 percent. They are going after the workers. A major target in this war are working people. They say unions. They have a vendetta against the unions. They want to get revenge on the unions. But working people out there, most of them in America do not even belong to unions. In the process of getting revenge on he unions, they are destroying conditions for working people in general.

The NLRB affects other people other than unions. OSHA affects other people. It is the workers of America, and everybody out there, who is not a big wage earner, not an executive or on a big salary. Sooner or later they fall into a category where they need to have some bargaining power or leverage. Most of us are workers. In the final analysis we are workers, and our working conditions are being steadily made more dangerous as a result of activities undertaken in an appropriations bill.

The Committee on Appropriations exceeded its authority. It is just the beginning of a process which probably will go on for a long time to come. They have always exceeded their authority. I have always taken the position we do not need a Committee on Appropriations. The Committee on Appropriations makes the Congress sort of an inept dinosaur.

We have a huge Committee on Appropriations with a huge budget, a huge staff, and they make the most important decisions about where money is going to be spent. But in the final analysis, the Committee on Appropriations has the least amount of information, because there are authorizing committees that spend all of their time on different segments of the governmental functions, of the policies that govern our country. The authorizing committees have the knowledge. The authorizing committees conduct the hearings. The authorizing committees accumulate the experience over time. But the power lies with the Committee on Appropriations.

The appropriation committees, of course, were created as old-fashioned, primitive methods of centralizing power. You centralize the real power in a body that is supposed to be a democratic, deliberative body, so it is easier to control by the Speaker and the leadership. That is why appropriation committees exist. But they used to pretend that they had limitations, and it was only going to deal with the actual appropriation of the funds.

They are not pretending anymore. The appropriations committees have taken over and they have proceeded to legislate whenever they feel like it, which means that if we were to be honest with the American people we would close down part of the Congress. We could send all the Members home who do not serve on the Committee on Appropriations or the Committee on Rules or the Committee on Ways and Means. That is about one-third of the Members of Congress on those three committees.

The rest of us really should not be drawing salaries, because we are not allowed to make decisions. We are not allowed to make important decisions. We play around at the edges. We have hearings, we pretend we have legislation. But in the final analysis, the clout lies with the Committee on Appropriations that is going to appropriate the money, and the Committee on Ways and Means is going to develop the revenue.

Whenever the Committee on Ways and Means brings a bill to the floor, it does not even pretend to have a democratic process. In the 13 years I have been here, I have never seen a Committee on Ways and Means bill come to the floor which was an open rule, where the Members of Congress who do not serve on the Committee on Ways and Means had a possibility of having some kind of input, making some kind of decision. So the Committee on Ways and Means is totally in control of the revenue producing activities within this country.

□ 1700

The rest of us either say yes or no or vote present, but we do not have any input. We have a very inept dinosaur, a very inefficient dinosaur and you have, after all, in the House of Representatives, 435 Members who are among the brightest and most energetic people in the country, who understand government, who understand human nature. They would not be here if they were not tremendously capable individuals. But they come here and they are immediately made irrelevant. They become obsolete if they do not get a place on the Committee on Appropriations or the Committee on Rules or the Committee on Ways and Means.

And the Committee on Appropriations used to pretend that they had some use for the rest of us but in this last operation, certainly the Health and Human Services and Labor and Education budget, they made no pretense. Open legislation takes place throughout the bill and every effort to vote down that legislation, authorizing legislation, within the appropriations process, the majority beat it down with their numbers. They have the numbers and they can, of course, violate the rules and render us all ineffective.

Nevertheless, we have to make do for the time being. Hopefully in the next Congress we can do something about the dinosaur and get rid of the overwhelming power of the Committee on Appropriations. Democrats were never that interested in doing that before, but maybe they can understand the evils now.

What I wanted to do today is to let everybody understand that this process has just begun. First of all, the implications of the process over a 7-year period are devastating. I want you to understand that if the cuts are great this year, they have to be greater next year and greater the year after that, until we get down to the point where we have no more deficit. So that is one thing that has to be understood.

The other thing to understand is that, and it is hard to understand. Until I became a legislator, although I thought I was pretty intelligent and pretty well educated, I could not understand all the machinations that take place here in Washington. We have passed it on the House of Representatives. We passed the Labor, Health and Human Services and Education budget. And we passed most of the other appropriations bills.

They still have to go to a conference with the Senate and the Senate has not passed most of their appropriations bills. The Senate can move very fast when it wants to. So the likelihood is that in the month of September all of this is going to be completed by the Senate and the House, and the Senate operate from the same set of overall budget figures that the House operates from. There is an agreement between Senate and House, and we are proceeding on the basis of one set of budget cuts. So the Senate budget will cut Education, Health and Human Services as much as the House budget will cut it, as much as House appropriations cut it. The difference is where they will cut.

The Senate may choose to not assassinate OSHA, not to try to destroy the health and safety standards of the workers of America. They may choose to instead take more money out of the Pell grants. They may choose instead to impose more of a burden on student loans. But overall, it is going to be just as bad because they have to stay within those budget figures.

That is the other trick that we have to deal with. We have to understand that the Committee on the Budget has already set certain levels, and the Committee on the Budget has determined that you cannot cross lines. One of the charades that took place with respect to the Health and Human Services and Education budget was that if you wanted to restore the cut for Head Start—and these high technology barbarians have done something nobody else has done in the course of history of the Congress. President Bush did not

cut Head Start. President Reagan increased Head Start. Head Start has never been cut by any President. But they cut Head Start. If you wanted to restore Head Start cuts, you had to take it from somewhere else, but there is a bigger cut in title I.

So if you wanted to restore Head Start, you could cut title I some more. If you want to restore title I, a billion dollars is a large amount of money because title I is the largest program of assistance to elementary and secondary education that takes place through the channels of the Federal Government. Everybody likes to think it is Federal money. The Federal Government gives back a portion of the budget, a portion of the people's money, because all taxes are local. All revenue derives from individuals and families and it is sent to Washington so it is getting our money back. We get back a very tiny amount of our money for education.

The Federal Government only is involved in about 7 percent of the total expenditure for education, but its involvement comes through the title I program for elementary and secondary education. They are cutting that by more than a billion dollars. We could not restore any of that without cutting some other part of this same function 500.

Yes, we could cut the NLRB, the National Labor Relations Board, and give a few million maybe back to Head Start, or we could cut OSHA or we could cut MSHA, the Mine Safety and Health Administration. You could have cannibalism, cannibalism among worthwhile programs. That choice you have. Let the programs eat each other. Because the trick is, you cannot go outside of the function of Health, Human Services and Education to get any money from the places where the real waste occurs.

We cannot go back, we cannot go and take it from defense. You cannot, everybody knows where the waste is, but you cannot even propose it on the floor at the time of the deliberations on the Health and Human Services and Education bill.

We know there is waste in the defense weapons systems. We know the B–2 bomber is the most wasteful weapons system that we ever confronted. We know that because there is agreement at the Pentagon. They say it is wasteful. They do not need it. The Secretary of Defense says he does not need the B–2 bomber. The President says he does not need it. Everybody agrees except the Members of Congress, the Members of the House, that we do not need a B–2 bomber. So we put back $500 million in the annual budget and over the life of the B–2 bomber program, we are talking about $30-some billion. So if we wanted to take care of Head Start and wanted to take care of title I, Pell grants, OSHA, MHSA, all the worthwhile human services programs, you can easily do it if you are allowed to reach into the defense budget and get the waste out of there to take care of it. Because the defense numbers are tremendous numbers. Just take the B–2 bomber. You have a great solution to the problem over the last 7 years. By cutting out the B–2 bomber, we could refund these programs at the level that they existed before and even give them increases.

So where are we in the process? I want to get back to that so that every American citizen listening will know that this complicated process is not so complicated after all.

The appropriations process is about to come to an end in the House. The House Committee on Appropriations will consult with the Senate. They will come out with a joint conference report of what they both agree on. It will go to the President for the President's signature. Each one of these appropriations bills goes to the President separately. So the President will probably sign the defense appropriations. Unfortunately, there is not very much disagreement between the White House and the Congress on defense. When they should have been cutting this, they were not cutting either. So I suspect that the defense appropriations bill will probably be signed. It is the last one we do, but it may be the first one signed by the President. I suspect that the last thing the President will sign, if he ever signs it, would be the Education, Health and Human Services budget. In fact the President has already said he is likely to veto the appropriations bill if it comes to him in the form that passed the House of Representatives yesterday.

If it comes that way, we know it will be vetoed. What happens when the President vetoes? Each one of the appropriations bills, the President has the option of signing it, it becomes law, and that will guide our expenditures for the next year. Or he can veto it and it comes back to the House of Representatives.

If it comes back to the House, we can override it, if we have two-thirds of the Members of the House vote to override. In the health and human services bill, there is no chance that there will be a two-thirds vote to override. In the housing, VA, veterans and housing bill, I do not think there is any chance that they will get an override.

In a number of the key appropriations bills, there will not be a congressional vote great enough in the House of Representatives to override the veto. You should follow this. Every citizen should follow this, because what it means is that as we approach the deadline date of September 30, which is the end of the Federal fiscal year, these programs that do not have an appropriations bill, which is now law, the appropriations bill has not been turned into law, they have no way to continue operating. They run out of money.

They have run out of money and a crisis is created. A crisis is created. The probability is that, given the games that the Republican majority is playing and given the extreme and mean positions that they have taken here on these vital programs, they will not agree to the continuing resolution. The way you continue programs when the money runs out is you have to vote for a continuing resolution, which covers all programs for which there has been no appropriations bill signed.

The likelihood is that the same people who refused to vote decent amounts of funding for these programs to begin with are not going to accept a continuing resolution which continues them at the same level as last year. In fact, some of these same programs have already been cut this year in a rescission bill, which was promulgated by the Republican majority. And that rescission bill cut $16 billion out of this year's budget to make it impossible for some of these programs to continue because they have already been cut, regardless of what a continuing resolution says, they would have to receive a cut this year and then pick up on the continuing resolution, and it cannot be accomplished. So we are headed for a crisis, and every American should understand the nature of the crisis.

In my district last week, in discussing the problem with some constituents, there was one elderly lady who said to me: Well, if the Government is out of money and we just do not have no more money, then I will make my sacrifice. I do not mind sacrificing just like everybody else. I do not mind the Medicare cuts. I do not mind making my share of the effort. I do not mind suffering if our Government is in trouble and they just do not have any more money.

Well, that is a noble sentiment. I suspect that the majority of Americans feel the same way. When the suffering is necessary, they are willing to do it. In World War II, massive amounts of people were willing to suffer and endure. So it is nothing new. Americans are willing to suffer. But it is important that you understand that the suffering and the pain that is being inflicted is unnecessary.

It is unnecessary for elderly people to worry about their Medicare payments. It is unnecessary to worry about whether you are going to be able to get into a nursing home or not. When your money runs out and you cannot afford Medicare anymore, you cannot afford to pay for your own health care, as thousands of elderly people spend down, they get very sick, the medical costs, despite the fact that they have Medicare, there is a portion they have to pay. They run out of money and they become poor as a result of bad health, as a result of operations, as a result of time in the hospital. And they can only be put in a nursing home if they are convalescing after an operation if they declare themselves poor and go onto Medicaid, the other part of the health care program that was created by Democrats.

Remember, we are celebrating the 30th anniversary of Medicare. Medicare

was created by Lyndon Johnson, a Democrat. Medicaid was created by Lyndon Johnson, a Democrat, just as Social Security was created by Franklin Roosevelt, a Democrat.

We are celebrating Medicare's 30th anniversary, and it is important to understand that there is no need for this in the richest country in the history of the world. The United States of America is the richest country that ever existed in the history of the world. They said, well, you might say there are some Arab countries that people per capita are richer than we are. There may be four or five countries in the world where per capita at a given moment they have higher incomes. But if you look at the assets and resources of these nations, you will find that it is all very much illusionary.

Overnight something can happen to the oil prices in the world, and in Saudi Arabia the standard of living goes down drastically. In Kuwait, the standard of living is going down because they are not getting as much for their oil products as before. Nigeria, which has some of the finest-grade oil in the world, faces a crisis because there is a glut on the market, and oil prices still go down. So we are not in America dependent on any one set of natural resources.

□ 1515

We are not dependent on any one set of minerals or any one set of climatic conditions. There are well-established institutions. Our country, from the Atlantic Ocean to the Pacific Ocean, has produced an abundant supply of rich, natural resources and rich farm lands and growing seasons that allow us to maximize the amount of foodstuffs grown here. We could feed the whole world if we wanted to.

All of that together adds up to riches that no other nation has. And you put it all together, there are riches that no other nation can begin to dream of.

Add to that the law and order, the well-established legal system, an institutional government which stabilizes things so that you are not, even in the worst of times, and we may be going through some of those worst of times in terms of the democratic process, but even in the worst of times there are not cataclysmic shifts that overnight render our resources less potent and our economy cannot be brought down by any one turn of events.

We are the richest Nation that ever existed in the history of the world. We should not be contemplating forcing suffering and pain upon the elderly. We should not be contemplating forcing children to go without decent lunches. They cannot get a decent meal anywhere else, even the school; with the help of the Federal Government, they should be able to get a decent lunch, because those same children will become the soldiers of tomorrow. They will become the workers of tomorrow. They will become the Congressmen and the leaders of tomorrow. Those same children.

We are rich enough. We have the resources. The problem is that every American must understand, the problem is the attitude and the vision of the people who have the power now.

When you have this train wreck, when there is a crisis created between the President and the Congress, the President vetoes the bills, they go back to the Congress, they cannot override. The Congress refuses to pass spending, a continuing resolution. When that happens, we should all be ready to join fully into the debate and understand what is happening.

The new America is being shaped. If the people, if the great majority of Americans stand up and say: No, we will not accept anybody or any argument which tells us we are too poor to be able to take care of all the sick; we are too poor to be able to take care of the elderly; we are too poor to provide school lunches; we are too poor to provide a decent education for the generation of Americans who will have to work to keep the Social Security system going, to keep the Medicare system going. There are some people worried about Medicare becoming bankrupt, and it certainly will be bankrupt if our workers are not working and adding to the fund.

Social Security will be bankrupt if our workers are not working and adding to the fund. If all of the jobs are shipped overseas or to Mexico and the workers are not contributing to the Social Security fund, the rich may still get rich by using the labor of people overseas, but the workers overseas do not pay into the Social Security fund. The workers overseas are not contributing to the future of America.

You can get cheaper labor and use high-tech instruments and you can bring in from India some very well-educated computer programmers. But those Indian computer programmers are not paying into the Social Security. They have no stake in our society.

We have to understand what all this means when they are trying to remake America by wiping out the working conditions for the workers of America; by lowering the wages of the workers of America; by creating conditions which make it very difficult to educate the vast population of America. We have to understand what is happening. The remaking of America may mean the destruction of America. We have to get involved.

Nobody should accept the argument that we are too poor as a country, and I want to make my sacrifice. Do not rush to make a sacrifice for this particular agenda.

Everybody should be in favor of cutting waste in government, and we certainly are. We do not want to spend a single dime that we do not have to spend. But do not rush into believing that the problem we face is because all of our education programs are wasteful or all of our health care programs are wasteful. That is not the problem.

The problem is that there was a tremendous waste in government and the people in power do not want to confront that waste. The waste is in the B–2 bombers. The waste is in the *Seawolf* submarines. The waste is in the agricultural subsidies.

We had an amendment on the floor which said, look, we do not want to cut subsidies for people who need subsidies, but for all of these people who are gentleman farmers and they only farm part time, if they have an income outside of their farming activities of $100,000 or more, then they should not be receiving subsidies. That is all we said; a simple, commonsense proposal was on the floor. Let us not give taxpayers' money to people who are farmers who have other incomes of $100,000 or more.

That was voted down. That was massive waste confronted. The opportunity was there to curb that waste, but it was voted down.

There were other examples, also. An amendment said, let us not subsidize tobacco. There is a great debate about tobacco and whether it is healthy to us and whether it is contributing to the destruction of the health care budget, because it creates a lot of very complicated illnesses which are very costly; whether it is destroying the morality of our youth.

I am not going to get into that, but the question was, Should we subsidize it, should taxpayers continue to pay subsidies for promotion of tobacco products? That was voted down.

So, before you accept the argument that massive cuts have to be made, and great amount of suffering has to take place in the Health and Human Services and Education budget, look carefully at the rest of the budget of the Federal Government. We have a whole series of things that we need to deal with in terms of cutting waste before we get there.

We are talking about people who have a vision of America which includes B–2 bombers over school lunches. *Seawolf* submarines over nursing home care, home care for the elderly. That is their vision of America.

What we have to understand is that in 1995, we have to deal with the long-range vision of America. The vision thing that President Bush had trouble dealing with; the Speaker of the House has no trouble dealing with that. There is a clear agenda and there is a clear sense of direction that has been set forth, whether you agree with it or not. At least you should applaud that there is a clear agenda.

The agenda says that America should be only for the over-class. Only an elite group. We are going to have public policies, government policies, which take care of and even pamper the over-class. Pamper the people who have computers. Everybody who owns a computer is in the over-class automatically. You have to have a certain level of salary, send your kids to school and pay for it, if necessary, because the

agenda is to let the public school system collapse.

They do not care whether public schools exist or not. They know that States are cutting back on education budgets. They know that cities are hard pressed and they are cutting education budgets. They know that the Federal Government gets all of its tax moneys from cities and towns and villages. We cannot say that Federal money is Federal money; therefore, it should never be used for education. People have a right to ask for some of the money back for education. Education is as legitimate an activity and function as any other if it is needed.

So the vision of the elite, the majority Republicans here, have an elite vision, a vision to take care of the elite. The over-class will be taken care of. The over-class will be pampered and enhanced. The over-class will be enriched. The over-class will receive a tax cut. We will give them money while we are cutting programs, vitally needed programs from everybody else.

That is their vision of America. Take care of the elite. Take care of the small group that went out to vote in 1994, November 1994. They came out and they voted and they always come out to vote. There is correlation between wealth and voting.

The richest vote 100 percent of the time and the middle-class vote 75 percent of the time. It is at the bottom, the people who are the poorest and need the help from the Government the most, the social contract benefits the most, who do not understand the relationship between their vote and public policies.

The present majority has an agenda which says we will take care of those that we know vote. Their votes are guaranteed. If we take care of them in abundant ways and guarantee that all of the nuisances of a few extra taxes here and tax regulations there, if everything that in any way is a cobweb in their lives is removed, then we shall prevail. They will support us and we shall prevail because, after all, they are the big contributors.

It is assumed that this process can go forward and they can continue to make these gigantic budget cuts, like the one that has just been made in the Health and Human Services and Education and Labor budget, and that no one will intervene; that all of us citizens can only sit back and watch, because if they have the majority, they can pass the bills.

We can only wait to 1996, and they are hoping that we believe that is all we can do and, therefore, we will wait until 1996. The great majority of Americans who are affected by these cuts will be demoralized and think that there is no hope or they will believe, like the lady who says, ''I am ready to make my sacrifice, the Government is out of money and, therefore, I will suffer gladly for my country.''

They believe they can prevail by sowing these kinds of lines of confusion out there, but they are not correct in assuming. Americans, the caring majority out there, the great majority who will be impacted by these cuts, my appeal is that you get up and start acting right now. My appeal is that you start understanding what is at stake right now.

Public opinion is a very real force in our deliberations here. Every Member of Congress, Republican or Democrat, is watching public opinion. Every Member of Congress who wants to come back here cannot afford to ignore public opinion, and it is not generated out of thin air. People act. You have to tell your neighbors to wake up. There is a vision of America that is a dangerous one for us, and there is a vision of America which will destroy America for the majority of Americans.

There is a vision of America which is really un-American, because it is geared toward an elite group, and over-class, an oligarchy. It is totally contradictory in respect to what this country is about.

There is a vision of America that says we do not need public school education because we can educate our children or we can have privatization of education and accomplish more that way. Those of us that have some money and can afford to pay some portion of the cost can participate in the privatization process. We will educate our children.

That vision of America is totally wrong because they are assuming that this country can exist with just an educated elite, with just a portion of the population educated. They have missed the point of America. They have missed the point that we are different from Europe and this country was built into a powerful Nation over a relatively short period of time because it reached out and provided opportunities for everybody. It reached out and made an attempt to provide education for everybody.

In a modern society, a very complex modern society, the geniuses or the technicians and the scientists cannot be effective unless the people under them, the mechanics, the literacy level, the scientific literacy, the computer literacy of the total population contributes to what the elite over-class is able to accomplish.

They will not prevail and they will not succeed, but they do not know this. They are going to try to take a shortcut and pamper, humor, take care of just the over-class and assume that they can build a nation on that.

It is a vision that is a flawed vision. It is a vision that is the wrong vision and we need to offer another vision. That is why we did the Congressional Black Caucus budget, which had no chance of passing. We went through the motions and put it on the floor because we wanted to offer a different vision of America. We wanted to offer a vision of America which ran counter to the elitist vision. We wanted to show that you can have a great American Nation that is not elite.

You can even balance the budget. You can balance the budget by eliminating the real waste. The real waste in defense, so the Congressional Black Caucus cut it by $350 billion over a 7-year period, a $350 billion cut. You can balance the budget if you do one other thing, which has to be part of the discussion.

The old lady who believes that America is bankrupt and broke should know that over the last few decades the amount of money being contributed to help balance the budget by corporations, the revenue stream, revenue from corporations, has gone down since 1943 from a high point of 40 percent. The tax burden was borne by corporations by about 40 percent in 1943.

□ 1730

Forty percent of our overall tax burden was borne by corporations, 27 percent was borne by individuals and families. Over the last few decades, it has dropped from 40 percent to as low as 8 percent in 1980. The corporate burden, the corporate share of revenue, dropped as low as 8 percent in 1980 and it is now at 11 percent.

So of the money we raise from taxes, through taxes, taxation, revenue that is needed to run the Government, only 11 percent of that is contributed from corporate income.

At the same time, individual taxes rose from 27 percent of the overall tax burden to 44 percent. We are paying 44 percent of the tax burden in 1995. In 1943, we were paying about 27 percent.

So if people are angry about the fact that they as an individual and their family, they are paying too many taxes, their tax bill is too high, I agree with them. They are right.

In order to relieve the tax burden, what we need to do is to return to some kind of fairness with respect to the corporate portion of the tax burden.

In our Congressional Black Caucus budget, the major way we balanced the budget was to raise the corporate tax burden up to the level of 15 percent. From 11 to 15 percent is not a great jump, but as you move it up, you create the possibility of balancing the budget without having to make cuts in Medicare, cuts in Medicaid. We even increased the budget for education by 25 percent. Education and job training budget was increased by 25 percent.

So in this rich Nation of ours, we do not need to sacrifice the elderly. We do not need to sacrifice the health care of the elderly. We do not need to sacrifice school lunches. What we do need to do is have our own vision of America projected.

The vision should include fairness in the tax burden. The bearing of the tax burden should be fair. When people fill out their income tax in April, the corporations should lessen their burden by shouldering more of the burden themselves.

I am in favor of a tax cut. The majority of Republicans are not alone in the

proposal for a tax cut. We are in favor of a tax cut. In our Congressional Black Caucus budget, we propose a tax cut for the poorest Americans and we were able to give the tax cut at the same time we kept Medicare at the same level. We kept Medicaid at the same level. We were still able to give a tax cut to the people who need it most.

I am in favor of more tax cuts for individuals and families, but that can be done only if we raise the tax burden for the corporations who have gotten away with buying out the Committee on Ways and Means over the last few decades. That Committee on Ways and Means that I said was so powerful before, their collusion with the corporations of America took the tax burden for corporations down from 40 to 8 percent in 1980, and now it is just 11 percent.

Those are the people who want to bring us a new approach to taxes. They are talking about a flat tax. There are proposals for new taxes. In our discussion of what the vision of America should look like, we should not forget the revenue side. Liberals, progressives, Democrats, do not talk much about taxes in terms of revenue that has to be produced to keep our Nation going at the quality level that we think is necessary. We do not deal much with tax proposals. Only in reaction to Republicans do you define progressives, Democrats, and liberals.

These are terrible names out of the mouths of some, but these are the people who have made America great. Franklin Roosevelt was a liberal. Lyndon Johnson was a liberal. Harry Truman was a liberal. The people who have made America great have not talked enough about taxes, and the organizations now which focus on the budget and appropriations process do not talk enough about the need to deal with creative taxation, creative revenue enhancement.

How do we get more revenue with less pain? How do we relieve the American families and individuals of the burden of more taxes while we get the taxes that are necessary to run the Government? That is a question that is not discussed enough.

It has to be discussed at every level. State governments are crying they have no more revenue sources. They want to give tax cuts to individuals and businesses in many cases, and everybody sits around mentioning the fact that we have to make these draconian cuts because there is just no more money.

There are plenty of resources in the richest country that ever existed in the face of the history of the Earth. There were resources that were given by God still out there in our minerals. In the Midwest we give away gold mines, we give away uranium mines. We let people take these Government lands and mine minerals and we do not ask for a royalty. We ask for a minimum payment for land that belongs to the citizens. We can get more money into our revenue stream if we were to take a different approach and not give away our resources, our land resources out there in the West, Midwest and Far West.

There is a great controversy about grazing land. Public grazing land is used by private ranchers. They pay one-tenth of the cost of the grazing land that they would pay if it was private land, one-tenth of the cost, and then they complain about that. They are complaining about Government intruding. They want to take it all. They do not want to pay anything. They do not want Government officials around watching them as they take advantage of the resources that belong to all Americans and then they complain about Government being on their back.

In the plan that was proposed by the Congressional Black Caucus, and I served as the chairman of the Congressional Black Caucus Alternative Budget Task Force. A plan was proposed by both the Congressional Black Caucus and the Progressive Caucus in the revenue area to give tax relief to working Americans.

We wanted to reduce the taxes of working Americans by $112 billion over this 7-year period. We proposed to enact a tax credit equal to 20 percent of an individual's FICA contribution, up to $200 per person annually. That means that everybody would get—take advantage of that, but we would go no higher than the $200 per person annually.

It would be a small tax cut, but it would be symbolic, and it would be just a beginning. We would be proposing additional tax cuts for individuals and families because there is an imbalance. Individuals and families are paying too much of the tax burden. Corporations are paying too little.

A vision of America and the future, a vision of America which is able to provide education for all who need education, a vision of America that can provide nursing home care for the elderly, Medicare, Medicaid, a vision of America that can provide decent housing for all Americans, that vision must include a revenue stream that will pay for all of that and we should not leave it to the Republicans to determine what that revenue stream is going to be. We have to work it out also.

In our proposal, the body of our budget proposal, we propose that there should be established a commission on creative revenues. Just as we have a base closing commission after decades of trying to do it through the political channels and running into partisan politics, the only way we have made headway in closing bases, military bases, is by appointing a commission to make the recommendations.

Congress has the final vote. Congress has the final vote. But the commission deliberates and looks at things in a rational way and proposes which bases should be closed. We need a commission to look at revenue possibilities, look at tax laws and the possible revisions of tax laws.

Give that commission time to operate, time to deliberate. Give them whatever they need. Let them bring back recommendations to the Congress instead of it coming out of the Committee on Ways and Means, which is corrupted.

The Committee on Ways and Means is a major part of the problem, never a part of the solution because they have allowed corporations to take over the committee. How else would you explain a drop in the share of the revenue burden by the corporations?

The corporations were paying only 8 percent of the tax burden in 1980 and 11 percent in 1995, whereas they were paying 40 percent in 1943. They control the Committee on Ways and Means. They got the laws enacted which allowed them to pay less and less taxes all the time.

Do not go to the Committee on Ways and Means if you want justice in taxation. If you want justice in terms of the tax burden or the way it is borne in this country, leave out the Committee on Ways and Means. Have a tax commission, a specially appointed commission bring to the total Congress recommendations about where America should go in the next 7 to 10 years.

The majority of the House and Senate have proposed a 7-year balancing the budget. The President has proposed a budget balancing process that will go over 10 years. I agree with the President. Why have the extra pain and suffering that is caused by trying to do it in a 7-year period?

There is no great pressing emergency. We are not at war. There are no reasons why we cannot, if we want to balance the budget, do it over a 10-year period, rather than 7-year period.

Either way you do it, we should look more at the revenue problem. It is not just a matter of expenditure. As I said before, in our revenue section of the Congressional Black Caucus budget, the carrying majority budget for the Congressional Caucus was well as the Congressional Black Caucus, we proposed tax relief for working Americans over the 7-year period which would be a $112 billion tax cut. It is not as much as the 320-some-billion-dollar cut that is being proposed by the Republicans.

The Republican majority is proposing a 320-plus-billion-dollar tax cut over a 7-year period for the richest Americans, for the richest people in the country. They would benefit the most. That kind of tax cut will not help the situation. It will only make it more difficult.

We also supported tax provisions in President Clinton's budget. We supported an effort to enhance tax compliance. We supported eliminating loopholes for multinational corporations. One of the ways that corporations get away with paying so little a portion of the revenue burden is that they have these loopholes like the following: If you change the foreign tax credit that

is given to multinational corporations, if you change the tax credit to a tax deduction, just that change would increase the amount of revenue gained over a 7-year period to $71 billion. We would get an additional $71 billion.

Reform taxation of the income of multinational corporations, get another $86 billion. Capital gains reform would produce $67 billion. Corporate income tax reform, by eliminating the accelerated depreciation tricks, we could eliminate $162 billion over a 7-year period and on and on it goes.

If you look at the revenue side and you look at how corporations continue to evade their fair share of burden, you would find that there are great things that could be done. There are also other creative processes that could be undertaken to generate revenue.

We have just passed a telecommunications bill on the floor of the House. Telecommunications is an industry which 50 years ago was a very tiny industry compared to steel, compared to transportation, but telecommunications is the industry of the future. Telecommunications makes something almost out of nothing. They do not have the burden of having to have a source of natural resources, iron, ore or coal, good weather.

It is all a matter of imagination and the way you manipulate the resources. You have to use technology to provide entertainment, to provide information. Technology has made the communications industry the technology industry, the telecommunications industry the industry of today and the industry of the future. Millions, billions of dollars are being made by people who are merely creative, clever, smart.

Now, I have no problem with that. Making money is part of what the capitalist system is all about, but the capitalism of today and the capitalism of tomorrow should understand that taxation is the duty, the proper tax policies, tax policies which are fair and tax policies which go after those who are making the resources, making the money. They have the resources; they should be taxed.

Telecommunications depends on the airwaves. The airwaves belong to all Americans. Broadcasting is regulated by the FCC because we do not have enough for everybody to have one as they see fit. It has to be regulated. It is a scarce resource. Because it is a scarce resource, it belongs to the American people.

□ 1745

The American people have a right to demand that they get more revenue from those resources. We also now are selling off spectrums up there above us, spectrums for a different kind of communication, not just broadband broadcasting. We have gotten commitments of $9 billion already.

That should have a special taxation. We are selling it and the Government will reap a one time benefit of $9 billion for the contracts that are already under way. Why not have it permanently taxed so that future generations, as long as the Nation exists and the airwaves are above our heads, can benefit from that because it belongs to everybody.

There was a motion on the floor, an amendment to require any drug companies that benefit from Federal research to pay a portion of that back in terms of lower drug prices. I say we should go further.

Any company, whether it is a drug company or a telecommunications company, any company that benefits from Federal research have the Government as a permanent partner. There should be royalties on the products forever.

We have numerous products that would not exist had it not been for military research—radar, computerization, all kinds of components of this big telecommunications revolution, and the great technological revolution, all of those components were developed through military research paid for by the American people.

Why not have a royalty so that the American people every time a product is sold will benefit from the research that they paid for? On and on it goes.

I want to close out by just saying that what I am trying to talk about is the fact that we have reached a landmark, a milestone, a major milestone in the process of remaking America.

I take Speaker GINGRICH and the majority Republicans very seriously when they say they are going to remake America, I believe that they are really going to try to do that, and they are smart enough to do what they say they are going to do if we do not stop them.

I am all for remaking America, thinking as we go into the 21st century a vision of a new America is a proper vision. But what shall that vision be? I see a vision of an America that is the richest Nation on the face of the earth, the richest Nation that ever existed, and its resources are used in a way which benefits every American, resources are used in ways that benefit all Americans for education, for health care.

The question is, Is the United States of America a Nation for the rich and powerful only? Shall the great majority of the population remain immobile while it is reduced to a status of urban serfs or suburban peasants?

Shall the resources of the richest Nation that has ever existed in the history of the world be used primarily for the benefit of an oppressive elite minority or shall it be used for the benefit of all the people and shall a caring majority rise up and let it be known that they are going to determine what America looks like in the 21st century and it is going to be an America for everybody, an America that is fair, an America that is living up to the hope of the Constitution.

Our job is to promote the general welfare, that is the welfare for everybody, not to cut school lunches, not to cut medicare, not to make life painful for the elderly and the weak. Our job is an America which has compassion.

MY ADVICE TO THE PRIVILEGED ORDERS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that I may claim the remaining time to address the House.

The SPEAKER pro tempore (Mr. FOX of Pennsylvnia). Without objection, the balance of the time allocated to the minority leader is allocated to the gentleman from Texas [Mr. GONZALEZ].

There was no objection.

Mr. GONZALEZ. Mr. Speaker, 75 years ago, on August 18, 1920, the nineteenth amendment to the Constitution was ratified, giving women the right to vote after a long, bitter struggle. It is hard to imagine today a world in which women could not even vote and yet, that right has been established for a mere 75 years.

And we are on the eve of a somber anniversary: the beginning of the age of nuclear terror, and the end of the gigantic slaughter that was World War II. For 50 years, we have lived under the shadow of nuclear obliteration; and while we now have reason to hope that the future of the world does not depend on terror, we do not truly know whether 50 years from today, the world will celebrate a century free of nuclear war. We can only hope that this past 50 years will lead to another, and that the world will at last be free from the terror of mass war.

There is another anniversary to celebrate: the 30th birthday of Medicare—the liberation of this Nation's elderly from the oppression of unaffordable, inaccessible medical care. Today there are 37 million Americans with the right to Medicare benefits. Not only has this liberated people from the fear of financial catastrophe because illness, it has made a huge difference in the quality and vitality of our senior citizens. Imagine this: in just 25 years the life expectancy of Americans jumped by a full 10 percent, from 70 to 76. Thanks to Social Security and Medicare, poverty and fear are no longer the universal fear of elderly Americans; they are not banished by any means, but there can be no doubt whatever that Medicare was the greatest emancipator of senior citizens in our history.

The central struggle of human existence is against fear: what Franklin Roosevelt decried as ''blind, unreasoning fear.'' And he defined very well what should be the enduring goal of every government and every citizen: We look forward to a world founded upon four essential freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want.

The fourth is freedom from fear.

As much as anything, those brief lines sum up the struggles of history, and especially the struggles of our time. For all the struggle and slaughter of this century, all the scientific

progress, all the fantastic accumulation of goods, has been a more or less determined struggle to liberate human oppression and from the fear of those terrible threats. It is not a new struggle, but in this century, perhaps more than any other in history, we have the sense that it can be won; that humanity can be freed of these old and awful terrors.

Of course the struggle does not take place in a smooth and predictable way; the miracle of antibiotics has ended the terror of some diseases, but new plagues appear; and the miracles of computers give us powers to process unimaginable amounts of information, but we lose individual privacy; and while revolutionary advances occur almost routinely, we live in growing fear of crime and violence. This uneven, unpredictable progress of humanity was very well described by Matthew Arnold, more than 100 years ago:

And we are here as on a darkling plain,
Swept with confused alarms of struggle and flight,
Where ignorant armies clash by night.

In other words, we struggle on, sometimes blindly and in confusion, in the belief and hope that we can prevail, that there will be a better day, and that humanity can improve itself. If we can establish the four freedoms, if we can banish those elemental fears of poverty and oppression—then all the struggles of this century, and all the others before it, will at long last secure us the comfort that while life lasts, it can be lived in freedom, real freedom.

For if we abandon the struggle, we will surrender to the kind of cynicism that Sir Walter Scott long ago described in his skillful dissection of the Government of England. This comment is in the form of a last will and testament supposedly written by the mythical John Bull, the equivalent of our own Uncle Sam. This fictional last will said:

I leave to my said children a great chest full of broken promises and cracked oaths, likewise a vast cargo of ropes made of sand.

If our Government breaks faith with us, that is the kind of legacy we will inherit.

And so on this 75th anniversary of women's right to vote, and on this 50th anniversary of the nuclear age, and on this 30th anniversary of Medicare, we must renew our faith. Each one of these anniversaries is a revolutionary change; each one came after a long struggle; and each one must be jealously protected. The freedom to vote and have a voice is a new and precious, priceless thing; the nuclear bomb will either establish sanity among the nations or destroy them; and the promise of Medicare must be nurtured and guarded, lest it turn into ''great chest of broken promises and cracked oaths.''

The problem of every generation is to keep from sliding backward. Today's generation is facing a harder struggle than some: for during the past 15 years the average American worker has seen real wages decline steadily. There is a real decline in all kinds of indices of personal economic security: wealth is increasingly concentrated in fewer hands; ordinary workers for a while stayed even by adding part time jobs, or by having a working spouse, but last year the number of families with two earners actually declined—meaning that adding a second income has just about reached its limit, and more and more families are seeing a growing gap between what they earn and what they need. In addition, the number of people in this country who are working strictly as temporaries is growing by leaps and bounds: these are folks who have little or no health insurance, and little or no retirement plan, and little or no hope of breaking out of temporary work and into a real career. These are not just kids working for the summer; and these are not clerks and laborers: increasingly, they are professionals including accountants, managers and lawyers. In other words, we are living in a time when personal economic security for a growing number of millions of people is evaporating, and for them, the future looks more fearful than promising, and more like a treadmill that runs faster and faster, rather than a road that rises to a brighter tomorrow.

This new insecurity and the fear that it gives birth to, is a very large component of what is often called the politics of resentment—which is politics that exploits the fear that someone else is gaining ground that ought to belong to you. It is politics built on the notion that your problems are the fault of somebody else. It is politics built on creating divisions and exploiting the fears that arise from those divisions.

And how different this is from Lincoln's vision, delivered in his message to Congress, July 4, 1861, describing the government that the Civil War would soon be fought to preserve in these words:

''. . . government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start, and a fair chance in the race of life.''

Those are words that could have been spoken by a Franklin Roosevelt, a John F. Kennedy or a Harry Truman—but can you imagine Phil Gramm saying words like those? Lincoln would be embarrassed by his party's retreat from his commitment to human decency and a Government dedicated to a new birth of freedom.

It saddens me to see that the rulers of today's Congress want to slash and burn programs that are intended to—and have—lifted artificial weights from the shoulders of men by improving schools and making education affordable to all; and killing programs that create the dignity of productive work; by killing health research; by cutting Medicare itself; by killing virtually all opportunities to develop affordable housing; and even by prohibiting the issuance of regulations that establish safe limits for arsenic in drinking water, or regulations that make meat inspection far more effective and efficient; and by actions that altogether are intended to give the rich and powerful even greater advantages than they already enjoy, while throwing bars and locks on the courthouse doors, so that ordinary people can't even sue to correct wrongs. Far from a government that would lift artificial weights from all shoulders or one that works to clear the paths of laudable pursuit for all the new masters of Congress are throwing new weight on the backs of the poor, building new obstacles for women and placing fetters around the legs of everyone who starts life from a poor position.

What a tragedy, that the Republican party should fall into the hands of its wildest, most unrestrained ideologues, whose actions daily become more oppressive and even irrational.

But the politics of fear on which they depend cannot forever be exploited. There comes a time when people demand more than the entertaining diversions of Willie Horton ads, or of showboat investigative hearings; there comes a time when people want to know how the Government will help them win greater control over the forces that no individual can overcome alone. How are we going to endure that senior citizens continue to live in dignity, decency and security? How are we going to ensure that we are not going to have a newly impoverished generation? How are we going to ensure that the people of this country who have historically been denied a decent chance, actually do get that chance?

Those are the real issues of our time.

Through all our history, the sole purpose of Government in this country has been, as the Pilgrims wrote in the Mayflower Compact, to . . . combine ourselves together into a civil Body Politick, for our better Ordering and Preservation . . . And . . . do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and offices, from time to time, as shall be thought most meet and convenient for the General Good of the Colony . . .

And so as I said, we are here to celebrate the unity of generations.

On this anniversary of Medicare, let us resolve never again to abandon whole generations to the daily threat of bankruptcy, in order to get decent medical care.

Let us honor the tens of millions slaughtered in the wars of this century, by promising that we will do everything possible to end nuclear terror and mass war; because we can in no other way keep faith with the generations who made those sacrifices, and those new generations whose lives hang in the balance.

And let us guard jealously our right to speak and be heard, our right to vote and our duty to be good, active and involved citizens.

Above all, let us hold accountable those who today seek to dishonor the

commitment this country has had from its very beginning, . . . to enact . . . just and equal laws. The course of our progress has been too difficult, the struggle for protection of minorities, protection of our environment—and even the dignity, decency and freedom of Medicare; these things are too precious, too hard-won, and too vital for us to abandon. Let us keep faith with all generations, and with each other. Let us remember and honor and affirm the goal of the Lincolns, who struggled for a . . . government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders . . . to afford all an unfettered start, and a fair chance in the race of life.

And let us at the same time hold accountable those who today seek to drive us backward. Such reactionaries have always plagued humanity, but if we are true to ourselves and to the generations that came before and go after us, we will never allow our government to bequeath us broken promises and cracked oaths and we will not see voting rights reduced nor Medicare's strong net reduced into ropes of sand.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of GEPHARDT), for today, on account of personal business.

Mr. SCARBOROUGH (at the request of Mr. ARMEY), for today on account of inspecting damage by Hurricane Erin.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE. for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. HOKE) to revise and extend their remarks and include extraneous material:)

Mr. HOKE, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. HORN, for 5 minutes each day on September 6, 7, 8, and 12.

Mrs. SEASTRAND, for 5 minutes, today.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 6, 1995

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. (Mr. FOX of Pennsylvania).

Pursuant to the provisions of House Concurrent Resolution 92 of the 104th Congress, the House stands adjourned until 12 noon on Wednesday, September 6, 1995.

Thereupon (at 6 o'clock and 17 minutes p.m.), pursuant to House Concurrent Resolution 92, the House adjourned until Wednesday, September 6, 1995, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives during the second quarter of 1995 in connection with official foreign travel, as well as a consolidated report of foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker of the House of Representatives during the second quarter of 1995, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Scott D. McCoy	4/17	4/23	Hong Kong		2,184.00						2,184.00
Commercial airfare							2,732.15				2,732.15
Andrew W. Baker	4/18	4/21	Hong Kong		1,456.00						1,456.00
Commercial airfare							2,636.95				2,636.95
Committee total					3,640.00		5,369.10				9,009.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAT ROBERTS,
Chairman, July 26, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J.C. Watts, Jr	5/29	6/01	Nigeria		966.00		4,405.15				5,371.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES A. LEACH,
Chairman, July 28, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Susan D. Sheridan	3/27	4/1	Germany		1,524.00		3,197.85				4,721.85
Catherine G. Van Way	3/31	4/8	Germany		2,286.00		3,197.85				5,483.85
Hon. Bart Gordon	4/9	4/13	Romania		1,193.00		3,542.25		[5] 86.99		4,822.24
Hon. Henry Waxman	4/9	4/16	Israel		[3] 280.00		([4])				280.00
Committee total					5,283.00		9,937.95		86.99		15,307.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Official business conducted 4/9/95 to 4/11/95. Other time was personal.
[4] Congressman purchased airline ticket with frequent flyer miles accumulated.
[5] Driver services for 4/10/95 and 4/13/95.

TOM BLILEY,
Chairman, July 27, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William Thomas	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Committee total					3,113.00						3,113.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS,
Chairman, July 25, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	4/19	4/10	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
Commercial airfare							3,127.95				3,127.95
Hon. Cass Ballenger	4/25	4/28	Guatemala		[4] 38.33						38.33
Commercial airfare							927.95				927.95
Paul Behrends	4/8	4/9	Italy		0.00						0.00
	4/10	4/11	Pakistan		0.00						0.00
	4/12	4/15	Thailand/Vietnam		1,295.99						1,295.99
	4/15	4/18	Singapore/Malaysia		422.00						422.00
	4/18	4/21	Cambodia/Thailand		0.00						0.00
	4/22	4/25	Philippines		0.00						0.00
Commercial airfare							6,358.43				6,358.43
Representation									255.00		255.00
FSN									561.30		561.30
Transportation									25.88		25.88
	5/27	6/2	Thailand/Laos		[4] 1,003.45						1,003.45
Commercial airfare							3,947.95				3,947.95
Hon. Doug Bereuter	4/27	4/29	Belgium		729.00						729.00
Commercial airfare							1,547.00				1,547.00
Paul Berkowitz	4/10	4/13	Hong Kong		639.05						639.05
	4/13	4/15	H.K.		628.00						628.00
	4/16	4/20	Australia		876.00						876.00
Commercial airfare							6,600.95				6,600.95
	5/26	5/29	Lithuania		500.00						500.00
Commercial airfare							3,351.75				3,351.75
Debi Bodlander	4/21	4/23	Egypt		405.00						405.00
	4/23	4/28	Israel		1,525.00						1,525.00
Commercial airfare							2,222.05				2,222.05
Richard Bush	4/11	4/12	Hong Kong		[4] 528.00						528.00
	4/12	4/14	Singapore		406.00						406.00
	4/14	4/18	Vietnam		1,550.00						1,550.00
	4/19	4/22	Philippines		[4] 570.00						570.00
Commercial airfare							4,219.45				4,219.45
Laura Byme	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Richard Cronin	4/11	4/12	Hong Kong		[4] 528.00						528.00
	4/12	4/14	Singapore		406.00						406.00
	4/14	4/18	Vietnam		1,550.00						1,550.00
	4/19	4/22	Philippines		760.00						760.00
Commercial airfare							4,219.45				4,219.45
Elizabeth Daoust	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Mike Ennis	4/27	4/29	Belgium		644.00						644.00
Commercial airfare							1,547.00				1,547.00
Hon. Eni Faleomavaega	4/8	4/9	Italy		141.00						141.00
	4/10	4/11	Pakistan		0.00						0.00
	4/12	4/12	Thailand		0.00						0.00
Commercial airfare							6,244.35				6,244.35
David Feltman	4/10	4/12	Angola		0.00						0.00
	4/13	4/18	South Africa		[4] 1,573.00						1,573.00
	4/19	4/19	Mozambique		280.00						280.00
	4/20	4/21	South Africa		0.00						0.00
Commercial airfare							6,415.15				6,415.15
Beth Ford	4/7	4/12	Peru		1,305.00						1,305.00
Commercial airfare							1,687.95				1,687.95
Mark Gage	5/28	6/3	Ukraine		[4] 1,328.00						1,328.00
	6/3	6/4	Netherlands		210.00						210.00
Commercial airfare							3,444.85				3,444.85
Richard Garon	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
Commercial airfare							971.95				971.95
Hon. Sam Gejdenson	5/13	5/14	Egypt		406.00						406.00
Commercial airfare							4,406.25				4,406.25
Hon. Benjamin Gilman	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00.
David Jung	4/19	4/20	Ireland		279.00		(3)				279.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Gil Kapen	4/16	4/20	Mexico		843.00						843.00
	4/20	4/23	Nicaragua		729.00						729.00
Commercial airfare							1,316.75				1,316.75
Peter King	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
John Mackey	4/7	4/12	Peru		1,305.00						1,305.00
Commercial airfare							1,687.95				1,687.95
	4/16	4/23	Ireland		1,674.00						1,674.00
Commercial airfare							2,308.25				2,308.25
Dan Martz	4/11	4/12	Hong Kong		[4] 558.00						558.00
	4/12	4/14	Singapore		[4] 406.00						406.00
	4/14	4/18	Vietnam		[4] 1,550.00						1,550.00
	4/19	4/22	Philippines		[4] 520.00						520.00
Commercial airfare							4,219,45				4,219.45
Lester Munson	4/10	4/12	Angola		0.00						0.00
	4/13	4/18	South Africa		[4] 1,573.00						1,573.00
	4/19	4/19	Mozambique		280.00						280.00
	4/20	4/24	South Africa		0.00						0.00
Commercial airfare							6,415.15				6,415.15
Roger Noriega	4/7	4/12	Peru		1,305.00						1,305.00
Commercial airfare							1,687.95				1687.95
	4/16	4/19	Mexico		843.00						843.00
	4/20	4/23	Nicaragua		729.00						729.00
Commercial airfare							1,274.98				1,274.98
	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
Steve Rademaker	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
John Mackey	4/11	4/12	Hong Kong		[4] 4364.00						364.00
	4/12	4/14	Sinapore		406.00						406.00
	4/14	4/18	Vietnam		1,550.00						1,550.00
	4/19	4/22	Philippines		[4] 570.00						570.00
Commercial airfare							4,219.45				4,219.45
Grover Rees	4/10	4/13	Thailand		[4] 541.98						541.98
	4/13	4/17	Hong Kong		1,256,00						1,256.00
Commercial airfare							2,778.95				2,778.95
Dan Restrepo	4/16	4/19	Mexico		843.00						843.00
	4/20	4/23	Nicaragua		729.00						729.00
Commercial airfare							1,205.95				1,205.95
	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
Ed Rice	4/9	4/13	South Korea		1,263,32						1,263.32
Commercial airfare							1,110.95				1,110.95
Hon. Dana Rohrabacher	4/8	4/9	Italy		0.00						0.00
	4/10	4/11	Pakistan		0.00						0.00
	4/12	4/15	Thailand/Vietnam		1,295.99						1,295.99
	4/15	4/18	Singapore/Malaysia		422.00						422.00
	4/18	4/21	Cambodia/Thailand		0.00						0.00
	4/22	4/25	Philippines		0.00						0.00
Commercial airfare							6,358.43				6,358.43
	5/27	6/2	Thailand/Laos		1,583.00						1,583.00
Commercial airfare							4,291.08				4,291.08
Hon. Toby Roth	4/9	4/13	South Korea		1,263.32						1,263.32
Commercial airfare							1,110.95				1,110.95
Mara Rudman	6/23	6/26	Haiti		[4] 430.00						430.00
Commercial airfare							648.95				648.95
Marc Sievers	4/24	4/26	Israel		[4] 590.00						590.00
Commercial airfare							1,522.25				1,522.25
Linda Solomon	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Mauricio Tamargo	4/10	4/12	Angola		316.59						316.59
	4/13	4/18	South Africa		182.00						182.00
	4/19	4/19	Mozambique		0.00		5,698.25				5,698.25
	4/20	4/21	South Africa		0.00						0.00
Commercial airfare							5,698.25				5,698.25
Scott Wilson	4/16	4/19	Mexico								0.00
	4/20	4/23	Nicaragua								0.00
Commercial airfare							1,205.95				1,205.95
Mike Van Dusen	4/21	4/23	Egypt		408.00						408.00
	4/23	4/27	Israel		1,202.00						1,202.00
Commercial airfare							2,222.05				2,222.05
Committee total					73,857.02		120,818.17		842.18		195,517.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Represents refund of unused per diem.

BEN GILMAN,
Chairman, July 31, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [2]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Hong Kong, Thailand, Singapore, Abu Dhabi, Bahrain, Kuwait and Turkey, April 11–24, 1995:											
Hon. Floyd D. Spence	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [2]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Hon. Solomon P. Ortiz	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
Hon. Tillie Fowler	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Hon. Owen Pickett	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Hon. Howard McKeon	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Dr. Andrew K. Ellis	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
Transportation							1,491.95				1,491.95
Marilyn A. Elrod	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
Transportation							1,184.54				1,184.54
Peter M. Steffes	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Behrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Delegation expenses	4/12	4/15	Thailand				217.87		3,296.76		3,514.63
	4/18	4/19	Abu Dhabi						166.00		166.00
Visit to Italy, April 23–25, 1995:											
Hon. James B. Longley, Jr	4/23	4/25	Italy		365.00						365.00
Transportation							572.65				572.65
Visit to Cuba, Panama, and Costa Rica, April 26–May 1, 1995:											
Hon. Herbert H. Bateman	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	5/1	Costa Rica		609.00						609.00
Hon. Norman Sisisky	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	5/1	Costa Rica		609.00						609.00
Hon. Gene Taylor	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
Transportation							336.95				336.95
Hon. James B. Longley, Jr	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	5/1	Costa Rica		609.00						609.00
Jeffrey M. Schwartz	4/26	4/26	Cuba		0.00						0.00
Transportation	4/26	4/27	Panama		189.00				331.95		189.00
											331.95
Hugh N. Johnston, Jr.	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	4/29	Costa Rica		202.55						202.55
Transportation							321.45				321.45
Hon. Robert K. Dornan	6/24	6/25	Italy		330.00						30.00
Transportation							0.00				0.00
Committee total					24,381.63		4,457.36		3,462.76		32,301.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE,
Chairman, July 26, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Amo Houghton	6/23	6/24	Switzerland		(4)				[4] 212.00		212.00
Commercial airfare							3,938.55				3,938.55
Hon. Sander Levin	6/23	6/25	Switzerland		[5] 590.00						590.00
Commercial airfare							2,423.55				2,423.55
Hon. Mac Collins	4/22	4/25	Belgium		981.00		(3)				981.00
	4/25	4/28	Italy		870.00		(3)				870.00
	4/28	4/30	England		592.00		(3)				592.00
Hon. Charles B. Rangel	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Committee total					6,146.00		6,362.10		212.00		12,720.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Hotel accommodation for one night, no per diem received, paid for by Mr. Houghton.
[5] Applied for/not yet received.

BILL ARCHER,
Chairman, July 30, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LATIN AMERICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 30 AND JUNE 5, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Thomas Cass Ballenger	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Henry Bonilla	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Mike Castle	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Jennifer Dunn	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. James Greenwood	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Marshall Sanford	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Matt Salmon	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Eliot Engel	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. John Tanner	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Michael Boyd	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Martha Morrison	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Meredith Broadbunt	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Roger Noriega	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Committee total					23,642.50						23,642.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, III
July 21, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KENT SYLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 9 AND APR. 13, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kent Syler	4/9	4/13	Romania,		1,193.00		3,856.35				5,049.35

[1] Per diem constitutes loding and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

T. KENT SYLER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARDNER G. PECKHAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 9 AND APR. 15, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gardner G. Peckham	4/9	4/11	Austria	3,941.28	408.00		2,882.15				
	4/11	4/15	United Kingdom	618.02	984.00					618.02	984.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM,
April 30, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. GREG LAUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 25, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Greg Laughlin		4/14	United States		None						0.00
	4/15	4/17	Kazahkstan		558.00						558.00
	4/17	4/18	Turkmenistan		257.00						257.00
	4/18	4/19	Azerbaijan		228.00						228.00
	4/19	4/20	Georgia		197.00						197.00
	4/20	4/20	Armenia		None						0.00
	4/20	4/20	Turkey		177.00						177.00
	4/21	4/22	Turkey		226.00						226.00
	4/22	4/25	Russia		1,008.00						1,008.00
	4/25		United States		None						0.00
Charter flight w/in central Asian countries	4/14	4/25					4,072.00				4,072.00
Roundtrip airfare U.S./Russia (Delta)	4/14	4/25					3,017.95				3,017.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. GREG LAUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 25, 1995—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					2,651.00		7,089.95		0.00		9,740.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GREG LAUGHLIN,
July 26, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KEITH JEWELL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 29, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Keith Jewell	4/19	4/20	Ireland		279		([3])				279
	4/20	4/24	Italy		1,226		([3])				1,226
	4/24	4/27	Israel		879		([3])				879
	4/27	4/29	Belgium		729		([3])				729
Committee total					$3,113.00						$3,113.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KEITH JEWELL.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CHARLES E. WHITE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND JUNE 2, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles E. White	5/29	5/31	Russia		639.50		[3]3,229.55		111.36		3,980.41
	5/31	6/1	Ingushetia/Chechnya				[4]350				350
	6/1	6/2	Russia		320.00						320
Committee total					959.50		3,579.55		111.36		4,650.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Prepurchased tickets, Dulles to Moscow to Dulles.
[4] Cash payment for air passage from Ingushetia to Moscow.

CHARLES E. WHITE,
June 20, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. MEL HANCOCK, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 9 AND JUNE 12, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mel Hancock	6/9	6/12	France	4,211.04	849.00		651.29	200.45	40.41		1,540.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MEL HANCOCK,
June 28, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1304. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning a cooperative project with Canada, France, and Norway (Transmittal No. 09–95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1305. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–33, authorizing the furnishing of military assistance to the United Nations for purposes of supporting the rapid reaction force in Bosnia, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

1306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of aviation security management training of Haiti, China, Mexico and Romania, pursuant to 22 U.S.C. 2349aa–3(a)(1); to the Committee on International Relations.

1307. A letter from the Vice President for Human Resources, Farm Credit Bank of Texas, transmitting the annual report for the farm credit banks of Texas pension plan for 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1308. A letter from the Director, National Science Foundation, transmitting a copy of the 1995 report of the Foundation's Committee on Equal Opportunities in Science and Engineering, pursuant to 42 U.S.C. 1885c(f); to the Committee on Science.

1309. A letter from the Comptroller, General Accounting Office, transmitting a copy of the report on GAO employees detailed to congressional committees; jointly, to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANADY: Committee on the Judiciary. H.R. 782. A bill to amend title 18 of the United States Code to allow members of employee associations to represent their views before the U.S. Government; with an amendment (Rept. 104–230). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 1852. A bill to authorize appropriations for the National Science Foundations, and for other purposes; with an amendment (Rept. 104–231). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 1870. A bill to authorize appropriations for the activities of the Under Secretary of Commerce for Technology, and for scientific and technical research services and construction

of research facilities activities of the National Institute of Standards and Technology, for fiscal year 1996, and for other purposes; with an amendment (Rept. 104–232). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 2043. A bill to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; with an amendment (Rept. 104–233). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1296. A bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; with an amendment (Rept. 104–234). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 1851. A bill to authorize appropriations for carrying out the Federal Fire Prevention and Control Act of 1974 for fiscal years 1996 and 1997; with an amendment (Rept. 104–235). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. WALKER: Committee on Science. H.R. 1816. A bill to authorize appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than September 22, 1995, for consideration of such provisions in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 104–236, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 927. The Committees on Banking and Financial Services, the Judiciary and Ways and Means discharged. H.R. 927 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KLECZKA (for himself and Mr. HERGER):

H.R. 2193. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2194. A bill to provide for cost savings in the Medicare Program through cost-effective coverage of positron emission tomography [PET]; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROBERTS (for himself, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. HOSTETTLER, and Mr. SMITH of Michigan):

H.R. 2195. A bill to establish limits on Commodity Credit Corporation farm and export expenditures for the 1996 through 2002 crop years, to authorize the use of market transition contracts to support farming certainty and flexibility and ensure continued compliance with farm conservation compliance plans and wetland protection, to make marketing assistance loans available for certain crops, to establish a commission to examine the future of production agriculture, and for other purposes; to the Committee on Agriculture.

By Mrs. MORELLA (for herself, Mr. WALKER, Mr. BROWN of California, and Mr. TANNER):

H.R. 2196. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes; to the Committee on Science.

By Mr. ALLARD (for himself, Mr. KNOLLENBERG, and Mr. ENSIGN):

H.R. 2197. A bill to amend the Congressional Budget Act of 1974 to establish a point of order against certain continuing resolutions; to the Committee on Rules.

By Mr. BROWNBACK (for himself, Mrs. MYRICK, Mr. GUTKNECHT, Mr. LARGENT, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. ROBERTS, Mr. WALKER, Mr. KASICH, Mr. BLILEY, Mr. SOLOMON, Mr. SAXTON, Mr. DREIER, Mr. DORNAN, Mr. ROHRABACHER, Mr. MILLER of Florida, Mr. HOEKSTRA, Mr. SHADEGG, Mr. SCARBOROUGH, Mr. FOLEY, Mr. SOUDER, Mr. TIAHRT, Mr. CHRYSLER, Mr. CHRISTENSEN, Mr. COOLEY, Mrs. SMITH of Washington, Mr. TATE, Mr. SMITH of Michigan, Mr. HEFLEY, Mr. HASTINGS of Washington, Mr NUSSLE, Mr. INGLIS of South Carolina, Mr. NORWOOD, Mr. STOCKMAN, Mrs. SEASTRAND, Mr. TALENT, Mr. SANFORD, Mr. SALMON, Mr. BONO, Mrs. CHENOWETH, Mr. MCINTOSH, Mr. HOSTETTLER, Mr. FUNDERBURK, Mr. COBURN, Mr. GRAHAM, Mr. HILLEARY, Mr. HUTCHINSON, Mr. BASS, Mr. CUNNINGHAM, Mr. RADANOVICH, Mr. PARKER, Mr. DOOLITTLE, Mr. HERGER, Mr. KOLBE, Mr. WHITE, and Mr. HAYWORTH):

H.R. 2198. A bill to abolish the Department of Housing and Urban Development and provide for reducing Federal spending for housing and community development activities by consolidating and eliminating programs, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING of Kentucky (for himself, Mr. BAESLER, Mr. WARD, Mr. ROGERS, and Mr. LEWIS of Kentucky:)

H.R. 2199. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Ways and Means.

By Mr. UPTON (for himself and Mr. BROWN of Ohio):

H.R. 2200. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law; to the Committee on Commerce.

By Mr. CARDIN (for himself, Ms. DUNN of Washington, Mr. HERGER, Mr. CAMP, Mr. BUNNING of Kentucky, and Mr. ENGLISH of Pennsylvania):

H.R. 2201. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of foreign source income of United States-owned multinational insurance agents and brokers; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. BRYANT of Texas, Mr. GALLEGLY, Mr. MOORHEAD, Mr. MCCOLLUM, Mr. BRYANT of Tennessee, Mr. BONO, Mr. HEINEMAN, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. CANADY, Mr. INGLIS of South Carolina, Mr. GOODLATTE, Mr. BARR, Mr. BOUCHER, Mr. BAKER of California, Mr. BALLENGER, Mr. BEILENSON, Mr. BILBRAY, Mr. BONILLA, Mr. BREWSTER, Mr. CALVERT, Mr. CONDIT, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DREIER, Mr. DUNCAN, Mr. FOLEY, Mr. HAYES, Mr. HERGER, Mr. HUNTER, Mr. SAM JOHNSON, Mrs. MEYERS of Kansas, Mr. PACKARD, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. SHAYS, Mr. STENHOLM, Mr. TAUZIN, Mrs. VUCANOVICH, Mr. MCKEON, Mr. BARTON of Texas, Mr. HUTCHINSON, Mr. THORNBERRY, Mr. LAUGHLIN, Mr. TRAFICANT, Mr. KASICH, Mrs. SEASTRAND, Mr. PETE GEREN of Texas, Mr. WILSON, Mr. STOCKMAN, Mr. HASTINGS of Washington, Mr. BEREUTER, Mr. COMBEST, Mr. BARTLETT of Maryland, Mr. BARRETT of Nebraska, Mr. SHAW, Mr. PICKETT, Mr. SKEEN, Mr. GUTKNECHT, Mr. KINGSTON, Mr. TAYLOR of North Carolina, Mr. ROGERS, Mr. SOLOMON, Mr. ROBERTS, Mr. EVERETT, Mr. DOOLITTLE, Mr. HEFLEY, Mr. SCHAEFER, Mr. GOSS, Mr. BUNNING of Kentucky, Mr. PARKER, Mr. TAYLOR of Mississippi, Mr. EMERSON, Mr. SHUSTER, Mr. FIELDS of Texas, Mr. QUILLEN, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. MCCRERY, Mr. STEARNS, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. BAKER of Louisiana, Mr. BACHUS, Mr. LIGHTFOOT, Mr. COLLINS of Georgia, Mr. HANSEN, Mr. HORN, Mr. PAXON, Ms. MOLINARI, Mr. LINDER, Mr. HASTERT, Mr. ROYCE, Mr. KIM, Mr. CAMP, Mr. HANCOCK, Mr. SPENCE, Mr. JONES, Mr. LIVINGSTON, Mr. REGULA, Mr. EWING, Mr. SALMON, Ms. HARMAN, Mr. ZELIFF, Mr. SHADEGG, Mr. POMBO, Mr. DORNAN, and Mr. RADANOVICH):

H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on National Security, Government Reform and Oversight, Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself (by request), Mr. GONZALEZ, and Mr. FLAKE):

H.R. 2203. A bill to reauthorize the tied aid credit program of the Export-Import Bank of

the United States, and to allow the Export-Import Bank to conduct a demonstration project; to the Committee on Banking and Financial Services.

By Mr. CASTLE (for himself, and Mr. LEACH (both by request), Mr. GONZALEZ, and Mr. FLAKE):

H.R. 2204. A bill to extend and reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CLEMENT (for himself, Mr. BACHUS, Mr. LIPINSKI, Mr. BOEHLERT, Mr. RAHALL, Mr. OBERSTAR, Mr. HEFNER, Mr. BARRETT of Nebraska, Ms. KAPTUR, Mr. HOUGHTON, Mr. MONTGOMERY, and Mr. GORDON):

H.R. 2205. A bill to assist the preservation of rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL (for himself and Mr. WAXMAN):

H.R. 2206. A bill to provide for the consolidation and simplification of health center programs, and for other purposes; to the Committee on Commerce.

By Mr. DINGELL (for himself and Mr. WAXMAN (both by request):

H.R. 2207. A bill to provide for substance abuse and mental health performance partnerships, and for other purposes; to the Committee on Commerce.

By Mr. EHLERS:

H.R. 2208. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before completion of the manufacture of such property; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 2209. A bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports; to the Committee on Economic and Educational Opportunities.

By Mr. EMERSON:

H.R. 2210. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability for certain recycling transactions; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHARDSON (for himself, Mr. TOWNS, and Mr. HINCHEY):

H.R. 2211. A bill to establish certain requirements with respect to solid waste and hazardous waste incinerators, and for other purposes; to the Committee on Commerce.

By Mr. RICHARDSON:

H.R. 2212. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2213. A bill to amend section 223 of the Communications Act of 1934 (47 U.S.C. 223) to assure that the prohibitions of that section also apply to faxes and electronic mail transmitted over telephone lines; to the Committee on Commerce.

By Mr. FILNER:

H.R. 2214. A bill to amend title 10, United States Code, to repeal the Social Security offset applicable to certain annuities for surviving spouses paid under the survivor benefit plan for retired members of the Armed Forces to the extent that such offset is due to the integration with Social Security benefits when the surviving spouse reaches 62 years of age; to the Committee on National Security.

By Mr. FORBES:

H.R. 2215. A bill to provide veterans benefits to individuals who serve in the U.S. merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. FRANKS of New Jersey (for himself, Mr. MARTINI, Mr. STOCKMAN, Mr. ZIMMER, Mr. FRELINGHUYSEN, and Mr. LOBIONDO):

H.R. 2216. A bill to abolish the Local Rail Freight Assistance Program; to the Committee on Transportation and Infrastructure.

By Mr. PETE GEREN of Texas (for himself, Mr. BREWSTER, Mr. LAUGHLIN, Mr. EMERSON, and Mr. WATTS of Oklahoma):

H.R. 2217. A bill to amend the Endangered Species Act of 1973 with commonsense amendments to strengthen the act, enhance wildlife conservation and management, augment funding, and protect fishing, hunting, and trapping; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 2218. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. EDWARDS, Mr. STUMP, Mr. MONTGOMERY, Mr. SMITH of New Jersey, Mr. QUINN, Mr. DOYLE, and Mr. BILIRAKIS):

H.R. 2219. A bill to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JACOBS (for himself, Mr. LIPINSKI, and Mr. INGLIS of South Carolina):

H.R. 2220. A bill to provide for portability of health insurance, guaranteed renewability, high risk pools, medical care savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By MR. JEFFERSON:

H.R. 2221. A bill to amend the Internal Revenue Code of 1986 to permit the tax-free rollover of certain payments made by employers to separated employees; to the Committee on Ways and Means.

By Mr. WARD (for himself, Mr. HAMILTON, Mr. FAZIO of California, and Mr. MATSUI):

H.R. 2222. A bill to provide for continued retirement and leave benefits for certain former employees of the Department of Defense; to the Committee on Government Reform and Oversight.

By Ms. ROS-LEHTINEN (for herself, Mr. PORTER, Mr. TORRICELLI, Mr. BILIRAKIS, and Mr. ENGEL):

H.R. 2223. A bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus; to the Committee on International Relations.

By Mr. JOHNSTON of Florida (for himself, Mr. FILNER, Mrs. MEEK of Florida, Mr. OWENS, Mr. ACKERMAN, Mrs. MORELLA, Mr. MORAN, Mr. LATOURETTE, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. UNDERWOOD, and Mr. MASCARA):

H.R. 2224. A bill to exempt disability and survivor annuities from the provision delaying the cost-of-living adjustment in Federal employee retirement benefits during fiscal year 1996, to the Committee on Government Reform and Oversight.

By Mr. KNOLLENBERG (for himself, Mr. KOLBE, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. CALVERT, Mr. CHRYSLER, Mr. EHLERS, Mr. EWING, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. LIVINGSTON, Mr. MCKEON, Ms. MOLINARI, Mr. MYERS of Indiana, Mr. NORWOOD, Ms. ROYCE, Mr. SKEEN, Mr. SMITH of Texas, Mr. STOCKMAN, Mr. TALENT, Mr. UPTON, and Mr. ZIMMER):

H.R. 2225. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. OWENS, Mr. ENGEL, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. NADLER):

H.R. 2226. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Commerce.

By Mrs. MALONEY:

H.R. 2227. A bill to prohibit defense contractors from being reimbursed by the Federal Government for certain environmental response costs; to the Committee on National Security.

By Mr. MILLER of California (for himself, Mr. BALLENGER, Mr. BISHOP, Mr. BONIOR, Mr. BONO, Mr. BUNN of Oregon, Mr. BREWSTER, Mrs. CHENOWETH, Mr. COLEMAN, Mr. CONYERS, Mr. COOLEY, Ms. DELAURO, Mr. DELLUMS, Mr. DIXON, Mr. DORNAN, Mr. EHRLICH, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FOX, Mr. FRANK of Massachusetts, Mr. FRAZER, Mr. FROST, Mr. GUTKNECHT, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Ms. MCCARTHY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Ms. PELOSI, Mr. RANGEL, Mr. REYNOLDS, Ms. RIVERS, Mr. SANDERS, Mr. SERRANO, Mr. SCOTT, Mrs. SCHROEDER, Mr. SHAYS, Mr. STEARNS, Mr. TORRES, Mr. TUCKER, Mr. THOMPSON, Mr. UNDERWOOD, Mr. VENTO, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, and Mr. WATTS of Oklahoma):

H.R. 2228. A bill to waive the time limitations applicable to awarding the Medal of Honor posthumously to Ruben Rivers; to the Committe on National Security.

By Mr. MILLER of California:

H.R. 2229. A bill to authorize the Secretary of the Interior to enter into agreements for the use of facilities associated with the Solano Project, CA, and for other purposes; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mr. DELAY, Mr. FAZIO of California, Mr. ARCHER, Mr. BURR, Mr. CANADY, Mr. CONDIT, Mr. HERGER, Mr. OXLEY, Mr. ROSE, Mr. STENHOLM, Mr. THOMAS, and Mr. DOOLEY):

H.R. 2230. A bill to make a regulatory correction concerning methyl bromide to meet

the obligations of the Montreal Protocol without placing the farmers of the United States at a competitive disadvantage versus foreign growers; to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINETA:

H.R. 2231. A bill to amend the Export Administration Act of 1979 to require reviews of the commodity control lists; to the Committee on International Relations.

By Mr. MINGE (for himself, Mr. LATHAM, Ms. DANNER, Mr. GUTKNECHT, Mr. POMEROY, Mr. OBERSTAR, Mr. PETERSON of Minnesota, and Mr. JOHNSON of South Dakota):

H.R. 2232. A bill to amend the Internal Revenue Code of 1986 to allow the small ethanol producer credit to be allocated to patrons of a cooperative in certain cases; to the Committee on Ways and Means.

By Ms. MOLINARI (by request):

H.R. 2233. A bill to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and related statutes to ease administration of the railroad retirement and railroad unemployment insurance programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HORN (for himself, Mrs. MALONEY, Mrs. MORELLA, Mr. HUTCHINSON, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. FROST, Mr. KASICH, Mr. KLUG, and Ms. NORTON):

H.R. 2234. A bill to reduce delinquencies and to improve debt-collection activities Government-wide, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on the Judiciary, Ways and Means, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORHEAD (for himself and Mrs. SCHROEDER):

H.R. 2235. A bill to amend title 35, United States Code, to afford a personal defense to infringement based on the commercialization of an invention in the United States prior to the filing date of a patent claiming the same invention; to the Committee on the Judiciary.

By Mr. NADLER (for himself and Mrs. LOWEY):

H.R. 2236. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. SMITH of New Jersey, Mr. BARRETT of Wisconsin, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. JACOBS, Mr. FORST, Mrs. MEEK of Florida, and Mr. UNDERWOOD):

H.R. 2237. A bill to provide equal leave benefits for parents who adopt a child or provide foster care for a child; to the Committee on Economic and Educational Opportunities.

By Mr. OBERSTAR:

H.R. 2238. A bill to validate a conveyance of certain lands located in Carlton County, MN, and for other purposes; to the Committee on Resources.

By Mr. ORTON:

H.R. 2239. A bill to amend section 17 of the act of August 27, 1954 (25 U.S.C. 677p), relating to the distribution and taxation of assets and earnings, to clarify that distributions of rents and royalties derived from assets held in continued trust by the Government, and paid to the mixed-blood members of the Ute Indian tribe, their Ute Indian heirs, or Ute Indian legatees, are not subjected to Federal or State taxation at the time of distribution, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself, Mr. FALEOMAVAEGA, Mr. RICHARDSON, Mr. BEILENSON, Mr. EHLERS, Mr. OBERSTAR, Mr. YATES, Mr. KASICH, Mr. TALENT, Mrs. MALONEY, Mr. FARR, Mr. GEJDENSON, Ms. RIVERS, and Mr. JACOBS):

H.R. 2240. A bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes; to the Committee on Resources, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. ZIMMER, Mr. KLUG, Mr. CUNNINGHAM, Mr. FILNER, Mr. PACKARD, Mr. JONES, Mr. BILBRAY, Ms. HARMAN, Mr. COX, Mr. TORRES, Mrs. SEASTRAND, Mr. HUNTER, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. EHLERS, Mr. BERMAN, Mr. FARR, Mr. JOHNSTON of Florida, Mr. HORN, and Ms. LOFGREN):

H.R. 2241. A bill to make permanent the President's Outer Continental Shelf moratorium statement of June 26, 1990; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. ZIMMER, Mr. KLUG, Mr. CUNNINGHAM, Mr. FILNER, Mr. PALLONE, Mr. PACKARD, Mr. JONES, Mr. BILBRAY, Ms. HARMAN, Mr. TORRES, Mrs. SEASTRAND, Mr. HUNTER, Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. EHLERS, Mr. BERMAN, Mr. FARR, Mr. LOBIONDO, Mr. JOHNSTON of Florida, Mr. HORN, Mr. FORBES, and Ms. LOFGREN):

H.R. 2242. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; to the Committee on Resources.

By Mr. RIGGS (for himself and Mr. HERGER):

H.R. 2243. A bill to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. TAYLOR of North Carolina, Mr. CANADY, Mr. BROWNBACK, Mr. GOSS, Ms. RIVERS, Mr. KLUG, Mr. DOOLITTLE, Mr. LOBIONDO, and Mr. SOUDER):

H.R. 2244. A bill to amend title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member or employee of Congress who is convicted of an offense relating to the official duties of that individual; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself and Mr. ROGERS):

H.R. 2245. A bill to establish a national program of trained community health advisors to assist the States in attaining the Healthy People 2000 objectives; to the Committee on Commerce.

By Mr. SERRANO:

H.R. 2246. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the U.S. library trust fund, and for other purposes; to the Committee on Ways and Means.

H.R. 2247. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services of registered dietitians and nutrition professionals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. GILMAN, and Ms. KAPTUR):

H.R. 2248. A bill to authorize the imposition of trade sanctions on countries which threaten the health and safety of U.S. policy regarding the reduction and interdiction of illicit drugs; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2249. A bill to amend the Social Security Act to require health maintenance organizations under the Medicare Program to disclose to enrollees and potential enrollees certain information on the credentials of physicians providing services by or through the organization, the financial status of the organization, and the compensation paid to officers and executives of the organization; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN:

H.R. 2250. A bill to provide for the return of economic resources for the imposition of certain customs fees and duties to the community in which the customs fees and duties are collected; to the Committee on Ways and Means.

By Mr. STUMP (for himself, Mr. KOLBE, Mr. PASTOR, Mr. HAYWORTH, Mr. SALMON, and Mr. SHADEGG):

H.R. 2251. A bill to direct the Secretary of the Interior to make certain modifications with respect to a water contract with the city of Kingman, AZ, and for other purposes; to the Committee on Resources.

By Mr. TORRICELLI (for himself, Mr. HASTINGS, of Florida, Mr. LIPINSKI, Ms. RIVERS, Mr. FRAZER, and Mr. SERRANO):

H.R. 2252. A bill to provide demonstration grants to secondary schools for the purpose of extending the length of the academic year at such school; to the Committee on Economic and Educational Opportunities.

By Mr. UNDERWOOD:

H.R. 2253. A bill to amend the Endangered Species Act of 1973 to create a mechanism by which information may flow between local communities and governments and the Federal Government regarding the designation of critical habitat and the establishment of National Wildlife Refuges under that act; to the Committee on Resources.

By Mr. UNDERWOOD (for himself, Mr. FRAZER and Mr. FALEOMAVAEGA):

H.R. 2254. A bill to repeal the requirement that the Delegates to the Congress from Guam, the Virgin Islands, and American Samoa be elected by a separate ballot; to the Committee on Resources.

By Mr. ZELIFF:

H.R. 2255. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

H.R. 2256. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability and funding; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H. Con. Res. 93. Concurrent resolution concerning democracy and human rights situation in Cameroon; to the Committee on International Relations.

By Mr. LANTOS:

H. Con. Res. 94. Concurrent resolution authorizing the use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Raoul Wallenberg in the Capitol; to the Committee on House Oversight.

By Mr. LANTOS (for himself and Mr. GILMAN):

H. Con. Res. 95. Concurrent resolution expressing the sense of Congress concerning freedom of the press in Russia; to the Committee on International Relations.

By Ms. MCKINNEY (for herself, Mr. ABERCROMBIE, Mr. BARCIA of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DIXON, Mr. DOGGETT, Mr. DOYLE, Mr. DURBIN, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FAZIO of California, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GONZALEZ, Mr. GORDON, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Ms. NORTON, Ms. JACKSON-LEE, Mr. JACOBS, Mr. JEFFERSON, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. KLINK, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LUTHER, Mr. MASCARA, Mr. MCDERMOTT, Mr. MCHALE, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN, Mr. MURTHA, Mr. NADLER, Mr. OBERSTAR, Mr. OWENS, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. RICHARDSON, Ms. RIVERS, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. SCOTT, Mr. SERRANO, Mr. SKAGGS, Ms. SLAUGHTER, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. STUPAK, Mr. THOMPSON, Mrs. THURMAN, Mr. TORRICELLI, Mr. TOWNS, Mr. TUCKER, Ms. VELAZQUEZ, Mr. VOLKMER, Ms. WATERS, Mr. WATT of North Carolina, Mr. WILSON, Ms. WOOLSEY, and Mr. WYNN):

H. Con. Res. 96. Concurrent resolution expressing the sense of the Congress in affirmation of the National Voter Registration Act of 1993, commonly known as the Motor-Voter Act; to the Committee on House Oversight.

By Mr. PALLONE (for himself, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. ANDREWS, Mr. BROWN of Ohio, Mr. LEVIN, Mr. MEEHAN, Mr. NEY, Mr. LOBIONDO, and Mr. NETHERCUTT):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress relating to the abduction and detainment of Donald Hutchings of the State of Washington and four Western Europeans in Jammu and Kashmir, India; to the Committee on International Relations.

By Mr. SERRANO:

H. Con. Res. 98. Concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress; to the Committee on Commerce.

By Mr. NADLER:

H. Res. 211. Resolution to amend the Rules of the House of Representatives to require a bill or joint resolution which amends a law to show the change in the law made by the amendment, and for other purposes; to the Committee on Rules.

By Mr. ORTON (for himself, Mr. SPRATT, Mr. CONDIT, Mr. ROSE, Mr. HALL of Texas, Mr. MINGE, Mr. CRAMER, Mr. PETERSON of Minnesota, Mr. PETE GEREN of Texas, Mr. BROWDER, Ms. DANNER, Mr. BAESLER, Mr. MCHALE, Mr. GORDON, Mr. MEEHAN, Mr. SCHUMER, Mr. LUTHER, Mr. PAYNE of Virginia, Mr. GENE GREEN of Texas, Mr. HOLDEN, Mr. JOHNSON of South Dakota, Mr. WARD, Mr. DEUTSCH, Mr. PARKER, Mr. WYNN, Mr. MONTGOMERY, Mr. GUTIERREZ, Mr. CHAPMAN, Ms. RIVERS, Mr. BROWN of Ohio, Mr. STENHOLM, Mr. DEFAZIO, Mr. ROEMER, Mr. BALDACCI, Mr. BROWN of California, Mr. VOLKMER, Mr. MASCARA, Mr. TAUZIN, Mr. RICHARDSON, Mr. WILSON, Mr. WYDEN, Mrs. LINCOLN, Mr. KLECZKA, Mr. STUPAK, Mr. DOYLE, Ms. ESHOO, Mr. MENENDEZ, Mr. COSTELLO, Mr. HAYES, Mr. BARRETT of Wisconsin, Mr. MANTON, Mr. POMEROY, Mr. PALLONE, Mr. KENNEDY of Rhode Island, Mr. EDWARDS, Mr. GIBBONS, Mr. LANTOS, Mr. DOGGETT, Ms. MCCARTHY, Mr. DOOLEY, Mr. CARDIN, Mr. MCNULTY, Mr. POSHARD, Ms. HARMAN, Mr. CLEMENT, Mr. FORD, and Mr. BARCIA of Michigan):

H. Res. 212. Resolution to express the sense of the House of Representatives that the provisions of S. 4 (the Line Item Veto Act), as passed by the House, should apply to all fiscal year 1996 appropriation bills and to the reconciliation bill required by H. Con. Res. 67; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

149. By the SPEAKER: Memorial of the Senate of the State of Texas, relative to the Food Stamp Program; to the Committee on Agriculture.

150. Also, memorial of the Senate of the State of Texas, relative to chronic fatigue and immune dysfunction syndrome; to the Committee on Commerce.

151. Also, memorial of the Senate of the State of Texas, relative to the Bureau of Reclamation; to the Committee on Resources.

152. Also, memorial of the House of Representatives of the State of Texas, relative to the Red River Boundry Commission; to the Committee on the Judiciary.

153. Also, memorial of the House of Representatives of the State of Texas, relative to the 65-mile-per-hour speed limit; to the Committee on Transportation and Infrastructure.

154. Also, memorial of the House of Representatives of the State of Texas, relative to noncorporate farmers; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILCHREST:

H.R. 2257. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Transportation and Infrastructure.

By Mr. ZELIFF:

H.R. 2258. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Raffles Light*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 94: Mr. TRAFICANT, Mr. CHRISTENSEN, Mr. BARRETT of Nebraska, Mr. PETRI, and Mr. MARTINI.

H.R. 104: Mr. MARTINI.

H.R. 109: Ms. FURSE and Mr. STUPAK.

H.R. 218: Mrs. CHENOWETH and Mr. MARTINI.

H.R. 359: Mr. MCCOLLUM and Mr. ZELIFF.

H.R. 367: Mr. RUSH.

H.R. 427: Mr. KNOLLENBERG.

H.R. 436: Mr. NUSSLE, Mr. MONTGOMERY, Mrs. THURMAN, and Mr. WELLER.

H.R. 500: Mr. ZIMMER.

H.R. 534: Mr. CANADY, Mr. HASTERT, Mr. GENE GREEN of Texas, Mr. PASTOR, and Mr. UNDERWOOD.

H.R. 598: Mr. COLEMAN, Mr. HASTERT, Mr. GIBBONS, Mrs. MYRICK, Mr. CRAPO, Mr. LEWIS of Georgia, Mr. TATE, Mr. ARCHER, Mr. GILCHREST, Mr. ROEMER, and Mr. MINETA.

H.R. 659: Mr. TANNER, Mr. COMBEST, Mr. EMERSON, and Mr. DUNCAN.

H.R. 670: Mr. SERRANO.

H.R. 739: Mr. HILLEARY and Mr. WAMP.

H.R. 743: Mrs. CHENOWETH.

H.R. 752: Mr. SENSENBRENNER, Mr. KING, Mr. GUTIERREZ, Mrs. LOWEY, Mrs. MALONEY, and Mr. MATSUI.

H.R. 783: Mr. FUNDERBURK.

H.R. 791: Mr. ZIMMER.

H.R. 804: Mr. WHITE.

H.R. 820: Mr. STUMP and Mr. GILCHREST.

H.R. 895: Mr. LOBIONDO, Mr. VENTO, Mr. FLAKE, Mr. SKELTON, and Mr. PACKARD.

H.R. 899: Mr. CREMEANS and Mr. FRELINGHUYSEN.

H.R. 922: Mr. NADLER and Mr. MINETA.

H.R. 940: Mr. FOGLIETTA, Mr. MFUME, Mr. STARK, Mr. GIBBONS, Mr. JACOBS, Mr. JEFFERSON, and Mr. NADLER.

H.R. 945: Mr. GUNDERSON, Mr. REGULA, Mr. LARGENT, Mr. DOYLE, Mr. MARTINI, and Mr. FRELINGHUYSEN.

H.R. 966: Mr. ACKERMAN, Mr. COYNE, Mr. DEFAZIO, Mr. GEJDENSON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. OLVER, Mr. PETERSON of Minnesota, Mrs. SCHROEDER, Mr. SPRATT, Mr. STARK, and Ms. VELAZQUEZ.

H.R. 997: Ms. DELAURO, Mr. MANZULLO, and Mr. THORNTON.

H.R. 1000: Mr. ENGEL and Mr. MCHALE.
H.R. 1005: Mr. WAMP.
H.R. 1020: Mr. LATHAM, Mr. SAM JOHNSON, and Mr. ROYCE.
H.R. 1050: Mr. MARTINEZ.
H.R. 1073: Mr. BRYANT of Texas, Mr. JONES, Mrs. SMITH of Washington, and Ms. DELAURO.
H.R. 1074: Mr. BRYANT of Texas, Mrs. SMITH of Washington, and Ms. DELAURO.
H.R. 1090: Mr. STUPAK.
H.R. 1114: Mr. GILCHREST, Mr. BONO, and Mr. MCCRERY.
H.R. 1143: Mr. MARTINI.
H.R. 1144: Mr. MARTINI.
H.R. 1145: Mr. MARTINI.
H.R. 1161: Mr. BOEHNER.
H.R. 1202: Mr. DIAZ-BALART and Mr. BERMAN.
H.R. 1203: Mr. MINGE, Mr. LIGHTFOOT, and Mr. LUTHER.
H.R. 1204: Mr. STENHOLM.
H.R. 1226; Mr. BLILEY.
H.R. 1251: Mr. SERRANO.
H.R. 1352: Mr. STUPAK.
H.R. 1386: Mr. BROWDER, Mr. JONES, Mr. DUNCAN, and Mr. SHAW.
H.R. 1406: Mrs. MEEK of Florida, Mr. FOX, Mr. GEKAS, Mr. MORAN, Mr. DAVIS, Mr. WOLF, Mr. SISISKY, Mr. PICKETT, Mr. BLILEY, Mr. BOUCHER, Mr. SMITH of Texas, and Mr. FRANKS of New Jersey.
H.R. 1452: Mr. TORRICELLI, Mr. FROST, Mr. EVANS, Ms. KAPTUR, Mr. CLYBURN, and Mrs. THURMAN.
H.R. 1462: Mr. MORAN, Mr. RAHALL, Mr. MATSUI, Mr. MURTHA, Mr. TORRICELLI, Mr. ENGLISH of Pennsylvania, and Mr. LANTOS.
H.R. 1488: Mr. CRAMER, Mr. CHABOT, Mr. BEVILL, Mr. GORDON, Mr. FUNDERBURK, Mr. WHITFIELD, Mr. STENHOLM, and Mr. RIGGS.
H.R. 1493: Mr. RAHALL.
H.R. 1496: Mr. DAVIS and Mr. STUPAK.
H.R. 1498: Mr. FRANK of Massachusetts, Mr. VISCLOSKY, Mr. MILLER of California, and Ms. KAPTUR.
H.R. 1499: Mr. MOORHEAD.
H.R. 1500: Mr. ENGEL, Mr. GILCHREST, Mr. MATSUI, and Mr. RICHARDSON.
H.R. 1506: Mr. LAHOOD.
H.R. 1552: Mr. BONO, Mrs. THURMAN, Mrs. KELLY, Mr. DIXON, and Mr. HOYER.
H.R. 1580: Mr. NETHERCUTT.
H.R. 1627: Mr. BREWSTER, Mr. WELLER, Mr. MCINNIS, Mrs. MYRICK, Mr. HILLEARY, Mrs. CUBIN, Mr. GILCHREST, Mr. NUSSLE, Mr. WILLIAMS, Mr. KNOLLENBERG, Mr. LARGENT, Mr. ENGEL, and Mr. LIVINGSTON.
H.R. 1651: Mr. PALLONE.
H.R. 1656: Mr. SERRANO, Mr. ENGEL, Mr. WELLER, Mr. HAYES, Ms. MCKINNEY, Mr. BONIOR, and Ms. VELAZQUEZ.
H.R. 1661: Mr. WELDON of Florida, Mr. ALLARD, Mr. BACHUS, Mr. PARKER, Mr. JOHNSON of South Dakota, Mr. MOLINARI, Mr. MOORHEAD, Mr. BASS, and Mr. BATEMAN.
H.R. 1668: Mr. PALLONE.
H.R. 1709: Mr. FRANKS of New Jersey, Mr. SANDERS, and Ms. SLAUGHTER.
H.R. 1736: Mr. WILLIAMS, Mr. ENGEL, Mr. DEFAZIO, Mr. BENTSEN, Mr. BROWN of Ohio, Mr. MORAN, Ms. ESHOO, Mr. DURBIN, Mr. MINETA, Mr. OWENS, and Mr. LEWIS of Georgia.
H.R. 1747: Mr. GUTIERREZ.
H.R. 1753: Mr. DICKS, Mr. GILMAN, Ms. NORTON, Mrs. MEEK of Florida, Mr. TUCKER, Mr. CLAY, Mr. VOLKMER, Ms. MCCARTHY, Mr. SCOTT, Mr. FIELDS of Louisiana, Mr. PAYNE of New Jersey, Mr. PASTOR, Mrs. COLLINS of Illinois, Mr. RICHARDSON, Mrs. MINK of Hawaii, Mr. BARRETT of Nebraska, Mr. GUTIERREZ, Mr. DE LA GARZA, Mr. SKEEN, Mr. NADLER, Mr. CLEMENT, Mr. RUSH, and Mr. LATOURETTE.
H.R. 1756: Mr. ZIMMER.
H.R. 1757: Mr. EVANS and Ms. VELAZQUEZ.
H.R. 1758: Mr. LIPINSKI, Mrs. CLAYTON, and Ms. VELAZQUEZ.
H.R. 1762: Mr. MARTINI and Mr. SKEEN.
H.R. 1765: Mr. RIGGS.
H.R. 1802: Mr. DICKEY.
H.R. 1818: Mr. BOEHNER and Mr. ZELIFF.
H.R. 1821: Mr. UNDERWOOD and Mr. GILLMOR.
H.R. 1833: Mr. BEREUTER and Mr. STOCKMAN.
H.R. 1834: Mr. BILIRAKIS, Mr. ALLARD, Mr. COMBEST, Mr. KOLBE, Mr. ROBERTS, and Mr. ROHRABACHER.
H.R. 1853: Mr. ACKERMAN.
H.R. 1856: Mrs. SMITH of Washington, Mrs. WALDHOLTZ, Mr. HANSEN, Mr. MILLER of California, Mr. BEILENSON, Ms. ROYBAL-ALLARD, Mr. DOYLE, Mr. TORRES, Mr. EHRLICH, Mr. TATE, Mr. COOLEY, and Mr. BRYANT of Texas.
H.R. 1872: Mr. ENGEL, Mrs. MINK of Hawaii, and Mr. VENTO.
H.R. 1889: Mr. EHLERS, Mr. LUTHER, Ms. PELOSI, Mr. EVANS, Mr. STARK, and Mr. LIPINSKI.
H.R. 1893: Mr. HOSTETTLER and Mr. OWENS.
H.R. 1920: Mrs. KELLY and Mr. ACKERMAN.
H.R. 1930: Mr. MCCOLLUM.
H.R. 1933: Mr. OLVER, Mr. NEAL of Massachusetts, and Mr. FRELINGHUYSEN.
H.R. 1947: Mr. MCDERMOTT.
H.R. 1951: Mr. FROST and Mr. BILBRAY.
H.R. 1952: Mr. STUDDS, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. ENGEL, Mr. DURBIN, Mr. PASTOR, Mr. GUTIERREZ, Mr. OWENS, Mr. WYDEN, Mr. FROST, Mrs. MEEK of Florida, Ms. ESHOO, Mr. BROWN of California, and Mr. DOOLEY.
H.R. 1967: Mr. RAMSTAD, Mr. BUNNING of Kentucky, and Mr. LAUGHLIN.
H.R. 1973: Mr. CHRYSLER, Ms. DANNER, Mrs. LOWEY, Mr. JOHNSTON of Florida, Mr. SANDERS, Mr. SERRANO, Mr. STUPAK, and Mr. YATES.
H.R. 1982: Mr. FRANK of Massachusetts.
H.R. 1995: Mr. HEINEMAN, Mr. SOLOMON, and Mr. MARTINI.
H.R. 2011: Ms. VELAZQUEZ, Mr. EVANS, Mr. MENENDEZ, and Mr. FRANK of Massachusetts.
H.R. 2013: Mr. MARTINI, Mr. BILIRAKIS, and Mr. ALLARD.
H.R. 2024: Mr. BURR.
H.R. 2026: Mr. FRELINGHUYSEN.
H.R. 2027: Ms. RIVERS, Ms. MCKINNEY, and Mr. ACKERMAN.
H.R. 2029: Mr. HOLDEN, Mr. BALDACCI, Mrs. CHENOWETH, Mr. POMEROY, Mr. EWING, Mr. MINGE, Mr. COOLEY, Mr. LAHOOD, Mr. BLILEY, Mr. STENHOLM, Mr. LUCAS, and Mr. CRAPO.
H.R. 2039: Mr. JOHNSTON of Florida.
H.R. 2071: Mr. CRAMER.
H.R. 2072: Mr. DUNCAN.
H.R. 2078: Mrs. CHENOWETH.
H.R. 2128: Mr. ARCHER, Mr. COOLEY, Mrs. CHENOWETH, Mr. KNOLLENBERG, Mr. SHAW, Mr. HILLEARY, and Mr. ZELIFF.
H.R. 2132: Mr. ACKERMAN, Ms. MCKINNEY, and Mr. UNDERWOOD.
H.R. 2137: Mr. FOX.
H.R. 2147: Mr. BROWNBACK, Mr. BAKER of Louisiana, and Mr. LEWIS of Kentucky.
H.R. 2151: Mr. SKEEN.
H.R. 2182: Mr. MARTINI.
H.R. 2190: Mr. CAMP, Mr. HASTERT, Mr. HOUGHTON, and Mr. HAYWORTH.
H.J. Res. 97: Mr. FRANK of Massachusetts.
H. Con. Res. 10: Mr. FARR, Mr. CAMP, Ms. LOFGREN, and Mr. BENTSEN.
H. Con. Res. 42: Mr. BURR.
H. Con. Res. 47: Ms. LOFGREN, Mr. WATT of North Carolina, Mr. TUCKER, Mr. SMITH of New Jersey, and Mrs. CHENOWETH.
H. Con. Res. 63: Mr. LOBIONDO, Mr. KING, and Mr. CHABOT.
H. Con. Res. 80: Mr. GILMAN, Mr. GEJDENSON, Mr. ENGEL, and Mr. BROWN of Ohio.
H. Res. 123: Mr. MCKEON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1289: Mr. MFUME.
H.R. 1853: Ms. MCKINNEY.
H.R. 2062: Mr. MFUME.

PETITIONS, ETC.

Under clause 1 of rule XXII,

34. The SPEAKER presented a petition of the mayor of the city of Gonzales, LA, relative to relative to Federal support programs for sugar; which was referred to the Committee on Agriculture.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. BRYANT on House Resolution 127: Zoe Lofgren.