(1) this Act does not provide for a funding mechanism to pay for the provisions cleaning up Senate election campaigns;

(2) a funding mechanism is necessary to pay for such provisions; and

(3) it is the position of the House of Representatives that under the Constitution all bills affecting revenue must originate in the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) legislation to clean up Senate election campaigns shall be funded by removing subsidies for political action committees with respect to their political contributions or for other organizations with respect to their lobbying expenditures;

(2) legislation to clean up Senate election campaigns shall not be paid for by any general revenue increase on the American taxpayer;

(3) legislation to clean up Senate election campaigns shall not be paid for by reducing expenditures for any existing Federal program; and

(4) legislation to clean up Senate election campaigns shall not result in an increase in the Federal budget deficit.

SEC. . DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNT FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end thereof the following new subsections:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are eligible under section 9003 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury shall not receive such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 4 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) be ineligible to receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under the section.".

SEC. . EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. . UNIFORM HONORARIA AND INCOME LIMITATIONS FOR CONGRESS.

(a) ADMINISTRATION OF RULES AND REGULATIONS.—Section 503 of the Ethics in Government Act of 1978 is amended by—

(1) redesignating paragraphs (3) and (4) as paragraphs (3) and (4); and

(2) inserting after paragraph (1) the following new paragraph:

"(2) and administered by the committee of the Senate assigned responsibility for administering the reporting requirements of title I with respect to Members, officers, and employees of the Senate;".

(b) DEFINITIONS.—Section 505 of the Ethics in Government Act of 1978 is amended—

(1) in paragraph (1) by inserting "a Senator or" after "means"; and

(2) in paragraph (2) by striking "(A)" and all that follows through "(B)".

(c) AMENDMENTS TO THE ETHICS REFORM ACT OF 1989.—Section 1101(b) of the Ethics Reform Act of 1989 is repealed and section 1101(c) is redesignated as section 1101(b).

(d) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—Section 323 of FECA (2 U.S.C. 441i) is repealed.

(e) SUPPLEMENTAL APPROPRIATIONS ACT, 1983.—Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1992.

SEC. . UNIFORM LIMITATIONS FOR EARNED AND UNEARNED INCOME.

(a) SUBSTANTIVE AMENDMENTS.—Section 501 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 501(a)(1) by inserting "or unearned" after "earned"; and

(2) in section 501(a)(2) by inserting "or unearned" after "earned".

(b) TECHNICAL AMENDMENTS.—(1) The heading for title V of the Government Ethics Act of 1978 (5 U.S.C. App.) is amended by striking "EARNED".

(2) The heading for section 501 of the Government Ethics Act of 1978 (5 U.S.C. App.) is amended by striking "EARNED".

(3) The heading for section 501(a) of the Government Ethics Act of 1978 (5 U.S.C. App.) is amended by striking "EARNED".

SEC. . PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the electoral process of the United States should be open to all American citizens;

(2) foreign nationals should have no role in the American electoral process;

(3) Congress does not intend and has never intended to permit foreign nationals to participate, directly or indirectly, in the decisionmaking of political committees established pursuant to the Federal Election Campaign Act of 1971;

(4) it is the intent of Congress to prohibit any participation whatsoever by any foreign national in the activities of any political committee; and

(5) while it is necessary to safeguard the political process from foreign influence, it is critical that any protections not discriminate against American citizens employed by foreign-owned companies and that Americans' constitutional rights of free association and speech be protected.

(b) PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.—Section 319 of FECA (2 U.S.C. 441e) is amended by—

(1) redesignating subsection (b) as subsection (c); and

(2) inserting after subsection (a) the following new subsections:

"(b) A foreign national shall not direct, dictate, control, or directly or indirectly participate in any person's decisionmaking concerning the making of contributions or expenditures in connection with elections for any Federal, State, or local office or decisionmaking concerning the administration of a political committee.

"(c) A nonconnected political committee or the separate segregated fund established in accordance with section 316(b)(2)(C) or any other organization or committee involved in the making of contributions or expenditures in connection with elections for any Federal, State, or local office shall include the following statement on all printed materials produced for the purpose of soliciting contributions:

"It is unlawful for a foreign national to make any contribution of money or other thing of value to a political committee."

"(d) A nonconnected political committee or a separate segregated fund established in accordance with section 316(b)(2)(C) or any other organization or committee involved in the making of contributions or expenditures in connection with elections for any Federal, State, or local office shall certify in regular reports to the Commission, or in a manner prescribed by the Commission, that no foreign national has participated either directly or indirectly in the decisionmaking of the political committee or separate segregated fund, including the appointment of the administrators of the committee or fund."

(b) PENALTY.—Section 309(b)(1)(C) of FECA (2 U.S.C. 437g(d)(1)(C)) is amended by inserting "section 319 or" before "section 322".

TELECOMMUNICATIONS EQUIPMENT RESEARCH AND MANUFACTURING COMPETITION ACT

PRESSLER (AND OTHERS) AMENDMENT NO. 260

(Ordered to lie on the table.)

Mr. PRESSLER (for himself, Mr. GRASSLEY, Mr. SASSER, Mr. BAUCUS, Mr. BURDICK, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill (S. 173) to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes, as follows:

On page 8, line 12, strike out "and".

On page 8, line 18, immediately after "equipment", insert a comma and the following: "including software,".

On page 9, line 1, immediately after "other", insert "local exchange telephone company".

On page 9, line 3, immediately after "equipment", insert a comma and the following: "including software,".

On page 9, line 3, immediately after "manufactured" insert "for use with the public telecommunications network".

On page 9, line 5, strike out the period and insert in lieu thereof a semicolon.

On page 9, between lines 5 and 6, insert the following:

(9) such manufacturing affiliate shall not discontinue or restrict sales to other local exchange carries of any telecommunications equipment, including software, it manufactures for sale as long as there is reasonable demand for the equipment by such carriers; and

(10) Bell Telephone Companies shall engage with other local telephone exchange companies in joint network planning, design

and operations and provide to other such carriers operating in the same area of interest, timely information on the planned deployment of telecommunications equipment, including software.

On page 9, beginning with line 20, strike out all through line 24.

On page 10, line 1, strike out "(4)" and insert in lieu thereof "(3)".

On page 11, line 7, immediately after "(b)", insert "(1)".

On page 11, between lines 13 and 14, insert the following:

"(2) Any person injured by an act or omission of a Bell Telephone Company or its affiliate which is inconsistent with the substantive requirements of paragraph (3) or (8) of subsection (c), or the Commission's rules implementing such subsections, may initiate an action in the District Courts of the United States to recover the full amount of damages sustained in consequence of any such violation and obtain such orders from the Court as are necessary to terminate violations and to prevent future violations; or such person may seek relief from the Commission pursuant to sections 206 through 209.

Mr. PRESSLER. Mr. President, I rise today on behalf of Senators GRASSLEY, SASSER, BAUCUS, BURDICK, CONRAD, and myself to submit an amendment to S. 173, the Telecommunications Equipment Research and Manufacturing Competition Act of 1991.

A number of small and rural telephone companies have expressed concerns to us about enacting S. 173 without adequate safeguards to ensure that rural areas continue to be served by a first-rate public telecommunications infrastructure. In 1988, I wrote an article in the UCLA Federal Communications Law Journal concerning universal telephone service which emphasized the need for a coordinated telecommunications policy between urban and rural areas of this country.

Without universal service as a fundamental premise of our national telecommunications policy, we in rural parts of the country will be left far behind in the advancing information age. Of course, a manufacturing bill alone will not do the whole job. But, the universal service premise is at the heart of this amendment.

The manufacturing restriction relaxation envisioned in S. 173 should be accompanied by clear, explicit and enforceable statutory safeguards which would guarantee small and rural local exchange carriers nondiscriminatory access to the equipment and software they need.

This amendment would do the following:

First of all, it would require the Bell companies to make software and telecommunications equipment available to other local exchange carriers without discrimination or self-preference. S. 173 currently does not contain language requiring the Bell companies to sell software, which is the heart of modern telecommunications equipment, to other local exchange carriers.

It would make any "reciprocal" requirements for other local exchange carriers that manufacture telecommunications equipment truly reciprocal.

S. 173 requires Bell company affiliates to make equipment available only to other local telephone companies and only for use with the public telecommunications network; other local telephone companies must make available any telecommunications equipment they or any of their affiliates manufacture to any Bell company that sells them equipment and to any of its affiliates, for any use.

Second, our amendment would require the Bell companies that manufacture equipment to continue making available telecommunications equipment, including software, to other local telephone companies so long as reasonable demand for it exists. S. 173 contains no requirement to maintain availability to satisfy the reasonable continuing demand of other local telephone companies.

Small and rural companies are concerned that if the Bell companies are allowed into manufacturing, they would be much more likely to buy existing manufacturing operations than to start new ones. This is particularly true for switch manufacturing, which is very capital intensive. If the Bell companies refuse to supply software to independents, they can prevent the independents from providing new services. Then the Bell companies could market such services to the small company's large customers, emphasizing that the small company was unable to offer the service.

The concern we have is that the Bell companies could divert the traffic of selected large customers to their own facilities. This would leave behind costs that remaining residential customers would have to absorb through higher rates. A Bell company also could use this leverage if it wanted to acquire a neighboring small independent in a growing area. It could further its acquisition objective by depriving the target company of technology, thus stimulating consumer complaints to regulators.

Small and rural companies are also worried that a Bell company could acquire an existing manufacturer, change the product line to meet Bell plans and needs, and cease to "support" equipment and software installed by small companies. If new software is not made available, a rural company might have to choose between installing a new switch or depriving its subscribers of new services.

Third, our amendment would require the Bell companies to engage in joint network planning, design and operations.

S. 173 undercuts joint planning and widespread infrastructure availability because it only requires the Bell companies to: First, inform other local telephone companies about their deployment of equipment; and second, report changes to protocols and requirements. The bill's requirements are too little too late. They will not lead to a nationwide, information-rich telecommunications infrastructure.

Small companies need a voice in the process to assure that the network is designed, implemented and operated jointly by all local telephone companies to meet the goal of nationwide access to information age resources.

Finally, our amendment calls for strong district court enforcement procedures, including damages. S. 173 provides only for FCC common carrier authority, which proved inadequate to remedy past refusals to provide equipment to small local telephone companies. If independents do not have the ability to go to district court with their complaints, they cannot reasonably have any confidence that the essential safeguards will be effective.

I urge my colleagues to support this amendment to ensure that rural companies have reasonable, enforceable and continuing access to the equipment and joint network planning they need so that all Americans, urban and rural alike, can share in a nationwide, information-rich telecommunications network.

Mr. GRASSLEY. Mr. President, I am pleased to join as cosponsor of the amendment by Senator PRESSLER. The rural telephone protection amendment will provide America's rural telephone companies and their customers crucial safeguards against any anticompetitive activities which might result from the passage of S. 173, the Telecommunications Equipment Research and Manufacturing Competition Act of 1991.

S. 173 overturns a portion of the 1982 AT&T Bell System antitrust consent decree in order to allow regional Bell operating companies (RBOC's) to research, design, and manufacture telecommunications equipment.

The interesting thing about this is that the Justice Department and the Bell system originally had agreed that the RBOC's would be permanently barred from providing manufacturing because they feared the RBOC's would use their monopoly power over local telephone service to gain unfair advantage in competitive markets. It was Judge Green who instead kept the door open for RBOC manufacturing in the future if it were shown that economic conditions had changed that would discourage further anticompetitive behavior.

The Judge has thus far not found the necessary grounds to allow RBOC's to engage in manufacturing.

We should understand, therefore, why the small, rural telephone companies become alarmed at the prospects of S. 173 becoming law. They understandably want protections from the abuses of the past. They want protections against being forced into the status of second-class citizens denied the benefits and economic development which should accompany our Nation's explosive growth in technological innovation.

I am a member of the Congressional Board to the Office of Technology Assessment. Today, we are releasing a study requested by myself, Senator HATCH, and the Joint Economic Committee. This study is entitled "Rural America at the Crossroads: Networking for the Future."

OTA did a commendable job, and made numerous findings and conclusions that will help policymakers assure that rural economic development will be encouraged, not discouraged, by advances in telecommunication.

One major point made is that we may need to develop policies that distinguish rural from urban areas. OTA also underscores the importance of requiring better coordination among telecommunication interests, businesses, and local, State, and Federal officials. Our amendment does both.

Our amendment requires RBOC's to engage in joint planning with rural telephone companies as well as provide software within the definition of equipment which must be made available to rural telephone companies as long as reasonable demand exists. It also provides for strong enforcement measures to protect these interests.

Mr. President, in all candor, the RBOC's are not terribly keen about our amendment. They think it goes too far, that the rural telephone companies are asking too much, and that this is quite extraordinary.

I would just remind my colleagues that what the RBOC's want through the passage of S. 173, which creates the need for our amendment in the first place, is quite extraordinary in and of itself.

In fact, yesterday before the Judiciary Antitrust Subcommittee, the president of MCI communications, Mr. Bert Roberts, testified that, and I quote.

Congressional action to overturn judicial decrees of any sort is extremely rare. We have not found a single instance—not one—in which congress overturned a consent degree like the modified final judgment. Such congressional action truly would be unprecedented.

Mr. President, I have not yet decided how to vote on S. 173. But I know with certainty that I have absolutely no intention of supporting legislation that will undermine a major portion of my rural constituency. There may be compelling economic policy arguments to overturn an antitrust consent decree, but there are no compelling arguments that should allow me, or any of my colleagues, to abandon the economic future of their rural constituents.

Our amendment is aimed at preventing this from happening, and I urge my colleagues to join Senators PRESSLER, SASSER, BURDICK, BAUCUS, and CONRAD, and myself in cosponsoring and supporting this amendment.

SENATE ELECTION ETHICS ACT

NICKLES AMENDMENT NO. 261

Mr. NICKLES proposed an amendment to amendment No. 242 proposed by Mr. BOREN to the bill H.R. 3, supra, as follows:

On page 19, beginning with line 3, strike all through page 23, line 13.

ROTH AMENDMENT NO. 262

Mr. ROTH proposed an amendment to amendment No. 242 proposed by Mr. BOREN to the bill S. 3, supra, as follows:

Strike section 101.

Strike subsection (d) of section 102.

On page 43, lines 18 through 20, strike "an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971)" and insert "a legally qualified candidate".

Strike subsection (b) of section 103.

Strike Section 104.

Strike section 105.

On page 47, beginning with line 17, strike all through page 50, line 3.

On page 50, line 4, strike "(b)" and insert "SEC. 304A(a)".

On page 52, line 8, strike "(c)" and insert "(b)".

On page 53, line 1, strike "(d)" and insert "(c)".

On page 54, line 6, strike "(f)" and insert "(e)".

On page 54, line 16, strike "(g)" and insert "(f)".

On page 61, strike lines 5 through 13.

On page 61, lines 16 and 17, strike "and subsection (c) or (d)".

On page 101, after line 23, add the following new title:

TITLE VI—FREE TELEVISION TIME

SEC. 601. AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934.

Section 315(a) of the Communications Act of 1934 is amended to read as follows:

(a) ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES; CENSORSHIP PROHIBITION.—Each licensee operating a television broadcasting station shall make available without charge to any legally qualified candidate in the general election for the office of United States Senator an amount of broadcast time, determined by the Commission under subsection (d), for use in his or her campaign for election, subject to the conditions and limitations of subsection (e). No licensee shall have power of censorship over the material broadcast under the provisions of this section.

(b) EQUAL OPPORTUNITIES REQUIREMENT; CENSORSHIP PROHIBITION; ALLOWANCE OF STATION USE.—Except in those circumstances to which subsection (a) applies, if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he or she shall afford equal opportunities to all other such candidates for the office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate.

(c) NEWS APPEARANCES EXCEPTION; PUBLIC INTEREST; PUBLIC ISSUES DISCUSSION OPPORTUNITIES.—Appearance by a legally qualified candidate on any—

(1) bona fide newscast;

(2) bona fide news interview;

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(4) on-the-spot coverage of bona fide events (including but not limited to political conventions and activities incidental thereto); shall not be deemed to be use of a broadcasting station within the meaning of subsections (a) or (b). Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscast, news interviews, new documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(d) RULES AND REGULATIONS REGARDING ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES.—The Commission shall, after consultation with the Federal Election Commission, determine the amount of television broadcast time that legally qualified major-party candidates for a Senate office may receive under subsection (a) on the basis of the amount of television broadcast time used by major-party candidates in the previous election for the United States Senate, provided that at a minimum such candidates be provided an amount of television broadcast time commonly used by major-party candidates in elections of comparable size. The amount of television broadcast time that each candidate is eligible to receive and the amount of such time that each licensee must make available to each eligible candidate shall be published prior to each Senate election in the Federal Register by the Commission on a date established by regulation. The broadcast time made available under subsection (a) shall be made available during the 45-day period preceding the general election for such office. The Commission shall ensure that the television broadcast time made available under subsection (a) shall be made available fairly and equitably, through licensees commonly used by candidates seeking the particular United States Senate office, and at hours of the day which reflect television viewing habits and contemporaneous campaign practices. A legally qualified candidate of a party other than a party which obtained 5 percent or more of the popular vote in the last Presidential election shall, by regulation of the Commission, be granted an allocation of broadcast time in proportion to the amount of contributions under $250 such a candidate has received when compared to such contributions received by candidates of the major parties, provided that such proportion exceeds 5 percent. The Commission shall require licensee operating television broadcasting stations to enter into a pooling agreement to ameliorate any disproportionate financial impact on particular licensees. For purposes of this subsection, a major party is a party which obtained more than 5 percent of the popular vote in the previous Presidential election.

(e) CONDITIONS AND LIMITATIONS.—The entitlement of any legally qualified candidate to television broadcast time under subsection (a) is conditional upon (1) signing an agreement to forego both the purchase of any additional amount of broadcast time, and the acceptance of any additional amount of television broadcast time purchased by another, during the period that such time is made available with respect to such candidacy pursuant to subsection (a) and the Commission's regulations, and (2) filing a copy of such agreement with the Commission.

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