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[Roll No. 111]

AYES—240

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Bachus
Bellenson
Bennett
Berman
Bevil
Billray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Chapman
Ciafa
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Coney
Copper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DePasio
DeLuzo
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durrin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gaydos
Goldenson
Gephardt
Geren

Oliphant
Olickman
Gonzales
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kastner
Kennedy
Kennelly
Kildee
Kleczka
Klucznicki
Kostmayer
LaFalce
Lancaster
Lantos
Larocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Lukens
Machley
Manton
Markey
Marines
Mastell
Mavroules
Mazoli
McCloskey
McCurdy
McDermott
McHigh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Morne
Mrasek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oskar
Oberstar
Obey

NOES—178

Allard
Allen
Arney
Atkins
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Berwick
Billbrink
Bliley

Boehlt
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Casper
Chandler
Clinger
Coble
Coleman (MO)
Conest
Condit

Ewing
Fawell
Fields
Fish
Galleghy
Gallio
Gekas
Glickrest
Gillmor
Gilman
Gingrich
Goodling
Ooss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Hershe
Hobson
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Jontz
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lesch

NOT VOTING—18

Archer
AuCoin
Boxer
Byron
Campbell (CA)
Dannemeyer

Flake
Kotler
Lehman (FL)
Levine (CA)
Moakley
Pastor

Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Siskay
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Sweet
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucelja
Walker
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1319

Mr. JACOBS changed his vote from "yea" to "nay."

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON HOUSE RESOLUTION 452 PROVIDING FOR CONSIDERATION OF H.R. 4111, SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-515) on the resolution (H. Res. 452) providing for the consideration of H.R. 4111 to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes which was referred to the House Calendar and ordered to be printed.

A COMPREHENSIVE TELECOMMUNICATIONS ANTITRUST POLICY

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, today I am introducing the Antitrust Reform Act of 1992, a bill that will establish in law a sound and broad-based competition policy that will guide the country's telecommunications industry into the 21st century.

Unfortunately, in this most important of industries, we are witnessing the piecemeal unraveling of the 1982 AT&T consent decree, also known as the modification of final judgment, or MFJ. That decree was the culmination of 8 years of antitrust litigation by the Department of Justice against AT&T's telecommunications monopoly. Under the terms of the MFJ, AT&T agreed to divest its competitive local monopoly phone service, while retaining its long distance and manufacturing operations. The local divested Bell companies reorganized into seven regional Bell operating companies (RBOCs). In addition, under the terms of the MFJ, the monopoly RBOC companies were prohibited from entering competitive lines of business—information services, telecommunications equipment manufacturing and long distance services. This restriction was intended to assure that the RBOCs did not unfairly exploit their monopoly position in local telephone service. The MFJ prohibitions were intended to continue until there was no substantial possibility the RBOC could use its monopoly power to impede competition in a given line of business.

Recently, the comprehensive competitive framework of the MFJ has come under assault. The U.S. Court of Appeals rejected, on procedural grounds, application of the decree's competitive entry test to the information services restriction and instructed U.S. District Court Judge Greene to apply an entry test that, in Judge Greene's view, all but mandated that he remove that restriction. His decision removing the restriction is now on appeal. Meanwhile, the Senate has passed legislation which would remove the decree's manufacturing restriction. These activities are occurring against a backdrop of lax agency oversight and deregulation.

The legislation I am introducing is based on the competitive principles of the MFJ and takes a properly balanced approach in dealing with the Nation's crucial telecommunications industry. The bill recognizes the capabilities of the RBOCs to make significant and innovative contributions to our Nation's technological development by permitting them to seek orderly entry into competitive lines of business on a phased basis over the next several years. RBOCs would be granted the flexibility to seek entry with regard to a particular product or geographic market within a competitive line of business, or with regard to a line of business in its entirety. Because of concerns expressed that the MFJ prevents RBOCs from participating in the research and development sphere or from adequately providing products and services to the disabled where no one else is able to, the bill authorizes the RBOCs to seek entry with regard to these activities immediately upon the bill's enactment.

My bill will ensure that the robust competition that has developed in the telecommunications industry under the MFJ is protected against monopoly abuse. The bill requires that prior to entry into a competitive line of business, the RBOC must establish that there is no substantial possibility that it could use its monopoly power to impede competition in the

market for which entry is sought. This competitive entry test is based on the entry test that lies at the heart of the MFJ. The bill would apply this test comprehensively to all new market entries. However, in order to avoid disruption of previously sanctioned RBOC activities, the bill includes a savings clause for waivers previously issued under the MFJ's own competitive entry test, as well as for the activities of the RBOC's research consortium, Bellcore.

Once an RBOC has been allowed into a line of business, the antitrust laws would, of course, continue to apply. There would also be specific antitrust safeguards, based on the principles and administration of the MFJ, against anticompetitive discrimination and cross-subsidization, and against the RBOC's recombining. The bill also requires the RBOC's to advise their officers and management personnel of their obligations under the act—and requires the RBOC CEO—or other responsible officer—to annually certify compliance to the Attorney General. The bill's protections would be enforced by the full array of traditional antitrust remedies, including criminal penalties, civil enforcement by the Department of Justice and private rights of action for treble damages or injunctive relief.

This bill is being introduced following extensive hearings conducted by the Judiciary Committee's Subcommittee on Economic and Commercial Law during the 102d Congress. The subcommittee has received testimony from a wide range of interested parties, including the RBOC's, information service providers, equipment manufacturers, long distance companies, labor and consumer groups, and Federal and State regulators and law enforcement officials.

I urge all of my colleagues to work for swift passage of this important and timely legislation.

VACATING 5-MINUTE SPECIAL ORDER AND SUBSTITUTING 15-MINUTE SPECIAL ORDER ON MAY 12, 1992

Mrs. COLLINS of Illinois, Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order on Tuesday, May 12, 1992, and in lieu thereof ask permission to address the House for 15 minutes during special orders at the appropriate time on May 12.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois, Mr. Speaker, I regret that I was unavoidably detained this morning and was not present for rollcall votes 108 on the approval of the Journal, and 109 to table the motion to appeal the Speaker's ruling. Had I been present, I would have voted "yes" on both votes.

RESCINDING CERTAIN BUDGET AUTHORITY

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 447 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1990.

□ 1320

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 consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill. The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. MYERS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. WHITTEN asked and was given permission to revise and extend his remarks.)

Mr. WHITTEN. Mr. Chairman, the House faces an unusual situation today—one which concerns us all as it does the people of the Nation.

What we bring you today is from our Committee on Appropriations which I have the honor to head. In the preparation of this bill and the report, of course, we have had the benefit of the counsel of all the members of the committee and the very fine staff of our committee. I present it on behalf of the committee today after discussions by our committee with leaders of various agencies of the executive branch and based on our experience of years of service on the Committee on Appropriations.

Mr. Chairman, it is through our appropriations bills that we make the public investments in roads, bridges, harbors, airports, science, education, research and development, law enforcement, housing, environmental protection, and many other important areas that will keep our country growing and prospering into the 21st century.

Last year the committee in 13 separate appropriations bills appropriated \$728,655,000,000 in over 1,200 appropriations accounts to fund the agencies which carry out programs vital to the nation in every area of the country. In preparing for those bills, the committee took testimony from over 5,200 witnesses in 271 hearing days of testimony.

Each one of those bills was presented to the full committee by the appropriate subcommittee. The committee took action on the subcommittee rec-

ommendations and reported those bills to the House.

Those bills were then considered in the House. Amendments were offered, some were adopted, some were defeated. Each bill passed the House and went to the Senate. The Senate passed 12 of those bills, and we brought back conference reports on those 12 bills, and those conference reports were debated. Amendments in disagreement were debated, and identical conference agreements were adopted by the House and by the Senate.

The bills were presented to the President. Ten of those bills were signed. Two of the bills were vetoed because of abortion language. Bills with the objectionable language removed passed the House, passed the Senate, and were signed by the President. The President did not veto a single appropriations bill last year because of the total funding amount or because of changes in priority that the Congress made to his proposals.

Now, for whatever reason, the President has proposed rescissions of \$5,663,000,000 in messages transmitted March 10, March 20, and April 8. The committee, as it has when rescission proposals have been proposed by the President ever since 1975, carefully considered those proposals and, through the subcommittee process—the same process that produced the appropriations bills that the President signed less than 6 months ago—agreed to rescind more than the President proposed.

The President says we need to reduce Federal spending in order to reduce the deficit.

Mr. Chairman, the deficit is not caused by your Committee on Appropriations. Since 1945, the committee has reduced the Presidents' budget requests by \$188,800,000,000. Since 1975, we have rescinded \$1,608,000,000 more than the Presidents have proposed to be rescinded.

Mr. Chairman, you can eliminate all domestic discretionary spending in fiscal year 1992, and you will not eliminate the deficit for fiscal year 1992. The only way the deficit will be reduced, in my opinion, is to increase productive employment in the United States and in the process expand the revenue base.

In the last 10 years, our trade deficit has increased by over a trillion dollars. I know it is growing less now than last year, and I am glad of that, but the fact is, the trade deficit is still growing.

America needs to produce more and export more. We need to regain our normal domestic and foreign markets.

We need to make investments in America, investments in assets—education, highways, rivers, harbors, investments that will improve access to markets; investments that will rebuild our deteriorating highways, our deteriorating water systems, our deteriorat-

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