402(b)(1)(F)(ii)(I) of title 23, United States Code, concerning the manner and circumstances in which a motor vehicle pursuit may be conducted.

ADDITIONAL COSPONSORS

S. 240

At the request of Mr. DODD, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 388

At the request of Ms. SNOWE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 426

At the request of Mr. WARNER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 456

At the request of Mr. BRADLEY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 456, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

AMENDMENT NO. 1282

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 1282 proposed to S. 652, an original bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

At the request of Ms. MOSELEY-BRAUN the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 1282 proposed to S. 652, supra.

AMENDMENT NO. 1288

At the request of Mr. LEAHY the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of amendment No. 1288 proposed to S. 652, an original bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

AMENDMENTS SUBMITTED

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENCY ACT OF 1995

EXON (AND OTHERS) AMENDMENT NO. 1362

Mr. EXON (for himself, Mr. COATS, Mr. BYRD, and Mr. HEFLIN) proposed an amendment to amendment No. 1288 proposed by Mr. LEAHY to the bill (S. 652) to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

"SEC. . OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity.

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

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

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsection (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of this employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or compiled with procedures as the Commission may prescribe in furtherance of this section.

Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.

SEC. . OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 U.S.C. 559) is amended by striking "$10,000" and inserting "$100,000".

SEC. . BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of Title 18, United States Code, is amended by striking out $10,000" and inserting "$100,000".

SEC. . SEPARABILITY.

"(a) If any provision of this Title, including amendments to this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances shall not be affected thereby.".

SEC. . ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS.

EXON (AND COATS) AMENDMENTS NOS. 1363-1364

(Ordered to lie on the table.)

Mr. EXON (for himself and Mr. COATS) submitted 2 amendments intended to be proposed by them to amendments to the bill S. 652, supra, as follows:

AMENDMENT NO. 1363

In lieu of the matter to be inserted, insert the following:

"SEC. . OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication;

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

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

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulations pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.

SEC. . DISSEMINATION OF INDECENT MATERIAL ON CABLE TELEVISION

Section 1464 of title 18, United States Code, is amended by inserting after section 1464 the following:

"(a) Whoever knowingly disseminates any indecent material on any channel provided to all subscribers as part of a basic cable television package shall be imprisoned not more than two years or fined under this title, or both.

"(b) As used in this section, the term 'basic cable television package' means those channels provided by any means for a basic cable subscription fee to all cable subscribers, including 'basic cable service' and 'other programming service' as those terms are defined in section 602 of the Communications Act of 1934 but does not include separate channels that are provided to subscribers upon specific request, whether or not a separate or additional fee is charged.".

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United states Code, is amended by inserting after the item relating to section 1464 the following new item:

"1464A. Dissemination of indecent material on cable television.".

SEC. . OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 .S.C. 559) is amended by striking "$10,000" and inserting $100,000".

SEC. . BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of Title 18, United States Code, is amended by striking our $10,000" and inserting "$100,000".

SEC. . SEPARABILITY

"(a) If any provision of this Title, including amendments to this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances shall not be affected thereby.".

SEC. . ADDITIONAL PROHIBITION POR BILLING FOR TOLL-FREE TELEPHONE CALLS.

AMENDMENT No. 1364

In lieu of the matter proposed to be inserted, insert the following:

SEC. 402. OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES *UNDER THE COMMUNICATIONS ACT* OF 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both.";

and

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

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

(b) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness *of this section*."

(c) CONFORMING AMENDMENT.—The section heading for section 223 is amended to read as *follows:*

"SEC. 223. OBSCENE OR HARASSING UTILIZATION OF TELECOMMUNICATIONS DEVICES AND FACILITIES IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMUNICATIONS".

SEC. 403. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 U.S.C. 559) is amended by striking "$10,000" and inserting "100,000".

SEC. 404. BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking out "$10,000" and inserting "$100,000".

SEC. 405. DISSEMINATION OF INDECENT MATERIAL ON CABLE TELEVISION SERVICE.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1464 the following:

"§ 1464A. Dissemination of indecent material on cable television

"(a) Whoever knowingly disseminates any indecent material on any channel provided to all subscribers as part of a basic cable television package shall be imprisoned not more than two years or fined under this title, or both.

"(b) As used in this section, the term 'basic cable television package' means those channels provided by any means for a basic cable subscription fee to all cable subscribers, including 'basic cable service' and 'other programming service' as those terms are defined in section 602 of the Communications Act of 1934 but does not include separate channels

that are provided to subscribers upon specific request, whether or not a separate or additional fee is charged.".

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by inserting after the item relating to section 1464 the following new item:

"1464A. Dissemination of indecent material on cable television.".

SEC. SEPARABILITY.

If any pronoun of this Title, including amendments to this Title or, the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances shall not be affected thereby.

FEINGOLD AMENDMENT NO. 1365

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before or after the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

HEFLIN AMENDMENT NO. 1366

Mr. HEFLIN submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ——. AUTHORITY TO ACQUIRE CABLE SYSTEMS.

(a) IN GENERAL.—Notwithstanding the provisions of section 613(b)(6) of the Communications Act of 1934, as added by section 213(a) of this Act, or any other provision of law, a local exchange carrier (or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier) may obtain a controlling interest in, management interest in, or enter into a joint venture or partnership with any cable system described in subsection (b).

(b) COVERED CABLE SYSTEMS.—Subsection (a) applies to any cable system that serves incorporated or unincorporated places or territories having fewer than 50,000 inhabitants if more than —— percent the subscriber base of such system serves individuals living outside an urbanized area, as defined by the Bureau of the Census.

(c) DEFINITION.—For purposes of this section, the term "local exchange carrier" has the meaning given such term in section 3(kk) of the Communications Act of 1934, as added by section 8(b) of this Act.

HEFLIN AMENDMENT NO. 1367

Mr. HEFLIN proposed an amendment to an amendment to the bill S. 652, supra; as follows:

At the appropriate place in the amendment, insert the following:

SEC. . AUTHORITY TO ACQUIRE CABLE SYSTEMS.

(a) IN GENERAL.—Notwithstanding the provisions of section 613(b)(6) of the Communications Act of 1934, as added by section 203(a) of this Act, a local exchange carrier (or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier) may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, or enter into a joint venture or partnership with any cable system described in subsection (b) within the local exchange carrier's telephone service area.

(b) COVERED CABLE SYSTEMS.—Subsection (a) applies to any cable system serving no more than 20,000 cable subscribers of which no more than 12,000 of those subscribers live within an urbanized area, as defined by the Bureau of the Census.

(c) DEFINITION.—For purposes of this section, the term "local exchange carrier" has the meaning given such term in section 3(kk) of the Communications Act of 1934, as added by section 8(b) of this Act.

BREAUX AMENDMENT NO. 1368

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

In the amendment, after the first word, insert the following:

"Notwithstanding any other provisions of this Act.

(ii) Except for single-LATA States, a State may not require a Bell operating company to implement toll dialing parity in an intra-LATA area before a Bell operating company has been granted authority under this subsection to provide inter-LATA services in that area or before three years after the date of enactment of the Telecommunications Act, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intra-LATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates."

STEVENS AMENDMENT NO. 1369

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

On page 6 of amendment number 1300, beginning with "Further," on line 23, strike all through the end of line 1 on page 7.

STEVENS AMENDMENT NO. 1370

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to an amendment submitted by him to the bill, S. 652, supra; as follows:

On line 2 of amendment number 1303, after "costs" insert "(which shall be determined without reference to a rate-of-return or other rate-based proceeding, and shall take into account the price structure of telecommunications services within the State, and which may include a reasonable profit)".

LEAHY AMENDMENTS NOS. 1371–1375

(Ordered to lie on the table.)

Mr. LEAHY submitted five amendments intended to be proposed by him to amendments to the bill, S. 652, supra; as follows:

AMENDMENT No. 1371

On page 2, line 2, insert "300 percent of" before "the percentage".

AMENDMENT No. 1372

On page 2, line 2, insert "150 percent of" before "the percentage".

AMENDMENT No. 1373

On page 2, line 2, insert "125 percent of" before "the percentage".

AMENDMENT No. 1374

On page 2, line 2, insert "175 percent of" before "the percentage".

AMENDMENT No. 1375

On page 2, line 2, insert "200 percent of" before "the percentage".

LEAHY AMENDMENT NO. 1376

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1326 proposed by Mr. GORTON to the bill S. 652, supra; as follows:

Strike all after the first word and insert in lieu thereof the following:

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

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1377

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to an amendment to the bill, S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) *in subsection (a), by striking out* "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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*;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1378

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

Strike all after the first word and insert in lieu thereof the following:

"Notwithstanding any other provision of law, the Commission shall have the authority to prescribe technical standards for the digital transmission and reception of the signals of video programming for the purposes of promoting compatibility or competitive availability of consumer electronics devices. The Commission shall, to the extent, possible, rely on standards originating in the private sector.".

LEAHY AMENDMENTS NOS. 1379-1381

(Ordered to lie on the table.)

Mr. LEAHY submitted three amendments intended to be proposed by him to amendment No. 1319 submitted by Mr. BROWN to the bill S. 652, supra; as follows:

AMENDMENT NO. 1379

On page 1, line 7, strike all after "programming." and insert the following:

"The Commission shall, to the extent possible, rely on standards originating in the private sector."

AMENDMENT NO. 1380

Strike all after the first word and insert in lieu thereof the following:

"Notwithstanding any other provision of law, the Commission shall have the authority to prescribe technical standards for the digital transmission and reception of the signals of video programming for the purposes of promoting compatibility or competitive availability of consumer electronics devices. The Commission shall, to the extent, possible, rely on standards originating in the private sector.".

AMENDMENT NO. 1381

On page 1, line 7, strike all after "programming." and insert the following:

"Notwithstanding any other provision of law, the Commission shall have the authority to prescribe technical standards for the digital transmission and reception of the signals of video programming for the purposes of promoting compatibility or competitive availability of consumer electronics devices. The Commission shall, to the extent, possible, rely on standards originating in the private sector.".

LEAHY (AND OTHERS) AMENDMENT NO. 1382

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1328 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out all matter proposed by the amendment and insert in lieu thereof the following:

(a) *not* amended;

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE *TELECOMMUNICATIONS* SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1383

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSLEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1280 submitted by Mr. ROBB to the bill S. 652, supra; as follows:

Strike out the last word proposed to be inserted and insert in lieu thereof the following:

transmission or file

(e) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE *TELECOMMUNICATIONS SYSTEMS*.—

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

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1384

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1281, proposed by Mr. EXON, to the bill, S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any obscene, lewd, lascivious, filthy or indecent comment, request, suggestion, proposal, image, or other communication with knowledge that such communication is obscene, lewd, lascivious, filthy, or indecent, with intent to abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

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

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes available any obscene communication, knowing that such communication is obscene, in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a) and (d) restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a) or (d), solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

(h) Nothing in subsection (a), (d), or (f) or in the defenses to prosecution under (a) or (d) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.

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

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1385

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1328 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out all matter proposed by the amendment and insert in lieu thereof the following:

(a) not amended;

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

(3) ACTION.—The Senate shall act upon the recommendations in the report referred to is under paragraph (1) within three months of receipt.

LEAHY (AND OTHERS) AMENDMENTS NOS. 1386-1387

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted two amendments intended to be proposed by them to amendment No. 1281 submitted by Mr. EXON to the bill S. 652, supra; as follows:

AMENDMENT NO. 1386

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

AMENDMENT No. 1387

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENTS NOS. 1388–1395

(Ordered to lie on the table.)

Mr. LEAHY submitted eight amendments intended to be proposed by him to amendments to the bill, S. 652, supra; as follows:

AMENDMENT No. 1388

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

(D)(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretaries shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

AMENDMENT No. 1389

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment." and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Nothing in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.".

AMENDMENT No. 1390

On Page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment." and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Nothing in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.".

AMENDMENT No. 1391

Strike all after the first word and insert the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment." and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Noting in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.".

AMENDMENT No. 1392

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in

order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

AMENDMENT No. 1393

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has not issued an order by June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(C) any state that contains no more than one LATA shall be exempt from this subsection.

AMENDMENT No. 1394

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for 24 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall be exempt from this subsection.

AMENDMENT No. 1395

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; *Provided*, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for twelve months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for twenty four months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall be exempt from this subsection.

LEAHY AMENDMENTS NOS. 1396-1397

(Ordered to lie on the table.)

Mr. LEAHY submitted two amendments intended to be proposed by him to amendment No. 1346, proposed by Mr. HEFLIN, to the bill, S. 652, supra; as follows:

AMENDMENT No. 1396

Strike all after the first word in the pending amendment and insert the following:

"(2) UNREASONABLE RATES.—

"(A) STANDARDS.—The Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

"(B) RATES OF SMALL CABLE COMPANIES.—

"(i) IN GENERAL.—The regulations prescribed under this subsection shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies..

"(ii) DEFINITION.—As used in this subparagraph, the term 'small cable company' means the following:

"(I) A cable operator whose number of subscribers is less than 35,000.

"(II) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.".

AMENDMENT No. 1397

Strike the last word in the pending amendment and insert the following:

(d) Insert the word "act" at the end of the definition section.

"(2) UNREASONABLE RATES.—

"(A) STANDARDS.—The Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming in cable systems subject to effective competition.

"(B) RATES OF SMALL CABLE COMPANIES.—

"(i) IN GENERAL.—The regulations prescribed under this subsection shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

"(ii) DEFINITION.—As used in this subparagraph, the term 'small cable company' means the following:

"(I) A cable operator whose number of subscribers is less than 35,000.

"(II) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.".

LEAHY (AND OTHERS) AMENDMENT NO. 1398

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1327 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted on page 2 of the Exon Amendment and insert in lieu thereof the following:

(c) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1399

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment." and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Nothing in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.".

LEAHY AMENDMENT NO. 1400

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1346, proposed by Mr. HEFLIN, to the bill, S. 652, supra; as follows:

Strike the last word in the pending amendment and insert the following:

(d) Insert the word "Act" at the end of the definition section (1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other

international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

LEAHY AMENDMENT NO. 1401

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu there of the following:

(D)(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

LEAHY AMENDMENTS NOS. 1402–1404

(Ordered to lie on the table.)

Mr. LEAHY submitted three amendments intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1402

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

; provided however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for twelve months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to interLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for twenty-four months following the enactment of this Act; and

(D) any state that contains more than one LATA shall not be subject to this subsection.

AMENDMENT NO. 1403

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has not issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(C) any state that contains no more than one LATA shall be exempt from this subsection.

AMENDMENT NO. 1404

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provisions of such dialing parity for 24 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall not be subject to this subsection.

LEAHY AMENDMENT NO. 1405

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "Nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before or after the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

LEAHY AMENDMENT NO. 1406

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following.

": provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceedings but shall not implement any order requiring the provision of such dialing parity for 12 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing for 24 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall not be subject to this subsection.

LEAHY AMENDMENT NO. 1407

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

Strike all after the first word and insert the following:

(D)(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, includes measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be

needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

LEAHY (AND OTHERS) AMENDMENT NO. 1408

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to an amendment to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

"(3) IN GENERAL.—Any legislative proposal in the report described in (1) shall be introduced by the Majority Leader of his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(4) DISCHARGE.—If the committee to which is referred a bill described in (3) has not reported such bill at the end of 20 calendar days after the submission date referred to in (3), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

"(5) FLOOR CONSIDERATION.—

"(d) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under (4)) from further consideration of such bill, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(b) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in subsection (3), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

"(c) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in (3) shall be decided without debate.

"(6) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(a) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in (3), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(b) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

LEAHY (AND OTHERS) AMENDMENT NO. 1409

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1268 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1410

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SIMPSON, Mr. KERREY, and Mr. KOHL) submitted an amendment intended to be proposed by them to an amendment to the bill S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "Nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.".

LEAHY AMENDMENT NO. 1411

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652 supra; as follows:

Strike all after the first word and insert the following:

(1) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

"(3) IN GENERAL.—Any legislative proposal included in the report described in (1) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(4) *DISCHARGE.—If* the committee to which is referred a bill described in (3) has not reported such bill at the end of 20 *calendar days after the submission date referred* to in (3), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing *by 30 Members of the Senate and in the* House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

"(5) *FLOOR CONSIDERATION.*—

"(a) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under (4)) from further consideration of such bill, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(b) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in (3), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bills hall occur.

"(c) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in (3) shall be decided without debate.

"(6) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(a) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in (3), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(b) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

LEAHY AMENDMENT NO. 1412

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; *as follows:*

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for 24 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall not be subject to this subsection.

LEAHY (AND OTHERS) AMENDMENTS NO. 1413

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1268 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) 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 of the Senate and the House of Representatives a report containing—

(A) 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;

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

(C) an evaluation of the technical means available—

(i) 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;

(ii) 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

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

(D) 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 clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1414

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "Nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before or after the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

WELLSTONE AMENDMENTS NOS. 1415-1416

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1415

At an appropriate place insert the following:

"SEC. . EXPEDITED CONGRESSIONAL REVIEW PROCEDURE.

"(a) REQUIREMENT OF LEGISLATIVE PROPOSAL.—The report on means of restricting access to unwanted material in interactive telecommunications systems shall be accompanied by a legislative proposal in the form of a bill reflecting the recommendations of the Attorney General as described in the report.

"(b) IN GENERAL.—A legislative proposal described in (a) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(c) DISCHARGE.—If the committee to which is referred a bill described in subsection (a) has not reported such bill at the

end of 20 calendar days after the submission date referred to in (b), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

"(d) FLOOR CONSIDERATION.—

"(1) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of such bill, it is at any time thereafter in order (even though a previous motion to the same effect has been discharged to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(2) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

"(3) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in subsection (b) shall be decided without debate.

"(e) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

AMENDMENT NO. 1416

Strike out all matter proposed by the amendment and insert in lieu thereof the following:

"On page 144, strike lines 4 through 17 and insert the following:

"(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

"(1) 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 of the Senate and the House of Representatives a report containing—

"(A) 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;

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

"(C) an evaluation of the technical means available—

"(i) 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;

"(ii) 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

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

"(D) 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 clauses (i) and (ii) of subparagaph (C).

"(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

"(c) EXPEDITED CONGRESSIONAL REVIEW PROCEDURE.—

"(1) REQUIREMENT OF LEGISLATIVE PROPOSAL.—The report on means of restricting access to unwanted material in interactive telecommunications systems shall be accompanied by a legislative proposal in the form of a bill reflecting the recommendations of the Attorney General as described in the report.

"(2) IN GENERAL.—A legislative proposal described in (1) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(3) DISCHARGE.—If the committee to which is referred a bill described in paragraph (1) has not reported such bill at the end of 20 calendar days after the submission date referred to in (2), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the house involved.

"(4) FLOOR CONSIDERATION.—

"(A) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under paragraph (3)) from further consideration of such a bill, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(B) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

"(C) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in (2) shall be decided without debate.

"(5) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

KERRY AMENDMENTS NOS. 1417-1418

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to amendments to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1417

Strike all beginning with the words "Part II" on line 4 of page 1 of the amendment and insert the following:

Part II of title II (47 U.S.C. 251 et seq.), as amended by this Act, is amended by adding after section 254 the following new section:

"SEC. 255. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES.

"(a) NONDISCRIMINATION SAFEGUARDS.—On the date that the regulations issued pursuant to subsection (b) take effect, any Bell operating company that provides payphone services or telemessaging services—

"(1) shall not subsidize its payphone services or telemessaging services directly or indirectly with revenue from its telephone exchange services or its exchange access services; and

"(2) shall not prefer or discriminate in favor of its payphone services or telemessaging services.

"(b) REGULATIONS.—

"(1) In order to promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public, the Commission shall conduct a rulemaking, with such rulemaking to be concluded not later than six months after the date of enactment of this section and with all such rules as the Commission may adopt in such rulemaking to take effect concurrently no later than nine months after the date of enactment of this section, in which the Commission shall determine how each payphone service provider shall be compensated for all completed interstate and intrastate calls placed on its payphones. In the rulemaking, the Commission shall determine—

"(A) the type of compensation plan that best ensures fair compensation to payphone services providers for completed interstate and intrastate calls, except emergency calls and telecommunications relay service calls for hearing-impaired individuals which shall not be subject to such compensation, and whether the current intrastate and interstate carrier access charge payphone service elements and payments should be continued or should be discontinued and replaced;

"(B) whether to prescribe a set of nonstructural safeguards for Bell operating company payphone services to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards, if prescribed,

shall at a minimum include nonstructural safeguards equal to those adopted in the Computer Inquiry-III, CC Docket No. 90-623, proceeding; and

"(C) if Bell operating company payphone service providers should have the right to negotiate an agreement with any one or more payphone location providers which would permit said Bell operating company payphone service providers to select and contract with the carriers that carry interLATA calls to carry interLATA calls from that payphone location provider's payphones and to select and contract with the carriers that carry intraLATA calls to carry intraLATA calls from that payphone location provider's payphones; provided that nothing in this section or in any regulation adopted by the Commission shall affect any contracts between location providers and payphone service providers or between payphone location providers and interLATA or intraLATA carriers that are in force and effect as of the date of enactment of this section.

"(c) STATE PREEMPTION.—To the extent that the requirements of any State are inconsistent with the Commission's regulations adopted in the rulemaking conducted pursuant to subsection (b), the Commission's regulations on such matters shall preempt such State requirements.

"(d) RULEMAKING FOR TELEMESSAGING.—In a separate proceeding, the Commission shall determine if, in order to enforce the requirements of this section, it is appropriate to require the Bell operating companies to provide telemessaging services through a separate subsidiary that meets the requirements of Section 252.

"(e) MODIFICATION OF FINAL JUDGMENT.—Notwithstanding any other provision of law, or any prior prohibition or limitation established pursuant to the Modification of Final Judgment, the Commission is directed and authorized to implement this section.

"(f) DEFINITIONS.—As used in this section—

"(1) The term 'payphone service' means the provision of public or semi-public pay telephones, the provision of inmate telephones in correctional institutions, and ancillary services.

"(2) The term 'telemessaging services' means voice mail and voice storage retrieval services provided over telephone lines, any live operator services used to retranscribe or relay messages (other than telecommunication relay services for the hearing-impaired), and ancillary services offered in combination with these services."

AMENDMENT NO. 1418

At the end of the amendment, add the following:

SEC. . PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COST, OR INCOME.

Part II of title II (47 U.S.C. 201 et seq.) as amended by this Act, is amended by adding after section 261 the following:

"SEC. 262. PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COSTS, OR INCOME.

The Commission shall prohibit any telecommunications carrier from excluding from any of such carrier's services any high-cost area, or any area on the basis of the rural location or the income of the residents of such area; provided that a carrier may exclude an area in which the carrier can demonstrate that—

(1) there will be insufficient consumer demand for the carrier to earn some return over the long term on the capital invested to provide such service to such area, and—

(2) providing a service to such area will be less profitable for the carrier than providing the service in areas to which the carrier is already providing or has proposed to provide the service.

The Commission shall provide for public comment on the adequacy of the carrier's proposed service area on the basis of the requirements of this section."

HOLLINGS AMENDMENT NO. 1419

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

At the end of the amendment, add the following:

"(c) UNIVERSAL SERVICE; ESSENTIAL TELECOMMUNICATION CARRIERS.—

"(1) APPLICABILITY.—Notwithstanding sections 103 and 104 of the Telecommunications Competition and Deregulation Act of 1995, the provisions of this subsection shall govern universal service and essential telecommunications carriers, respectively.

"(2) FINDINGS.—The Congress finds that—

"(A) the existing system of universal service has evolved since 1930 through an ongoing dialogue between industry, various Federal-State Joint Boards, the Commission, and the courts;

"(B) this system has been predicated on rates established by the Commission and the States that require implicit cost shifting by monopoly providers of telephone exchange service through both local rates and access charges to interexchange carriers;

"(C) the advent of competition for the provision of telephone exchange service has led to industry requests that the existing system be modified to make support for universal service explicit and to require that all telecommunications carriers participate in the modified system on a competitively neutral basis; and

"(D) modification of the existing system is necessary to promote competition in the provision of telecommunications services and to allow competition and new technologies to reduce the need for universal service support mechanisms.

"(3) FEDERAL-STATE JOINT BOARD ON UNIVERSAL SERVICE.—

"(A) Within one month after the date of enactment of this section, the Commission shall institute and refer to a Federal-State Joint Board under section 410(c) of this Act a proceeding to recommend rules regarding the implementation of section 253 of this Act, including the definition of universal service. The Joint Board shall, after notice and public comment, make its recommendations to the Commission no later than 9 months after the date of enactment of this section .

"(B) The Commission may periodically, but no less than once every 4 years, institute and refer to the Joint Board a proceeding to review the implementation of section 253 of this Act and to make new recommendations, as necessary, with respect to any modifications or additions that may be needed. As part of any such proceeding the Joint Board shall review the definition of, and adequacy of support for, universal service and shall evaluate the extent to which universal service has been protected and advanced.

"(4) COMMISSION ACTION.—The Commission shall initiate a single proceeding to implement recommendations from the initial Joint Board required by paragraph (3) and shall complete such proceeding within 1 year after the date of enactment of this section. Thereafter, the Commission shall complete any proceeding to implement recommendations from any further Joint Board required under paragraph (3) within one year after receiving such recommendations.

"(5) SEPARATIONS RULES.—Nothing in the amendments made by the Telecommunications Competition and Deregulation Act of 1995 to this Act shall affect the Commission's separations rules for local exchange carriers or interexchange carriers in effect on the date of enactment of this section.

"(6) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

"(A) Quality services are to be provided at just, reasonable, and affordable rates.

"(B) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

"(C) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, that are reasonably comparable to those services provided in urban areas.

"(D) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are reasonably comparable to rates charged for similar services in urban areas.

"(E) Consumers in rural and high cost areas should have access to the benefits of advanced telecommunications and information services for health care, education, economic development, and other public purposes.

"(F) There should be a coordinated Federal-State universal service system to preserve and advance universal service using specific and predictable Federal and State mechanisms administered by an independent, non-governmental entity or entities.

"(G) Elementary and secondary schools and classrooms should have access to advanced telecommunications services.

"(7) DEFINITION.—

"(A) IN GENERAL.—Universal service is an evolving level of intrastate and interstate telecommunications services that the Commission, based on recommendations from the public, Congress, and the Federal-State Joint Board periodically convened under this subsection, and taking into account advances in telecommunications and information technologies and services, determines—

"(i) should be provided at just, reasonable, and affordable rates to all Americans, including those in rural and high cost areas and those with disabilities;

"(ii) are essential in order for Americans to participate effectively in the economic, academic, medical, and democratic processes of the Nation; and

"(iii) are, through the operation of market choices, subscribed to by a substantial majority of residential customers.

"(B) DIFFERENT DEFINITION FOR CERTAIN PURPOSES.—The Commission may establish a different definition of universal service for schools, libraries, and health care providers for the purposes of this section.

"(8) ALL TELECOMMUNICATIONS CARRIERS MUST PARTICIPATE.—Every telecommunications carrier engaged in intrastate, interstate, or foreign communication shall participate, on an equitable and nondiscriminatory basis, in the specific and predictable mechanisms established by the Commission and the States to preserve and advance universal service. Such participation shall be in the manner determined by the Commission and the States to be reasonably necessary to preserve and advance universal service. Any other provider of telecommunications may be required to participate in the preservation and advancement of universal service, if the public interest so requires.

"(9) STATE AUTHORITY.—A State may adopt regulations to carry out its responsibilities

under this subsection, or to provide for additional definitions, mechanisms, and standards to preserve and advance universal service within that State, to the extent that such regulations do not conflict with the Commission's rules to implement this subsection. A State may only enforce additional definitions or standards to the extent that it adopts additional specific and predictable mechanisms to support such definitions or standards.

"(10) ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT.—To the extent necessary to provide for specific and predictable mechanisms to achieve the purposes of this subsection, the Commission shall modify its existing rules for the preservation and advancement of universal service. Only essential telecommunications carriers designated under section 214(d) shall be eligible to receive support for the provision of universal service. Such support, if any, shall accurately reflect what is necessary to preserve and advance universal service in accordance with this subsection and the other requirements of this Act.

"(11) UNIVERSAL SERVICE SUPPORT.—The Commission and the States shall have as their goal the need to make any support for universal service explicit, and to target that support to those essential telecommunications carriers that serve areas for which such support is necessary. The specific and predictable mechanisms adopted by the Commission and the States shall ensure that essential telecommunications carriers are able to provide universal service at just, reasonable, and affordable rates. A carrier that receive universal service support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended

"(12) INTEREXCHANGE SERVICES.—The rates charged by any provider of interexchange telecommunications service to customers in rural and high cost areas shall be no higher than those charged by such provider to its customers in urban areas.

"(13) SUBSIDY OF COMPETITIVE SERVICES PROHIBITED.—A telecommunications carrier may not use services that are not competitive to subsidize competitive services. The Commission, with respect to interstate services, and the States, with respect to intrastate services, shall establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that services included in the definition of universal service bear no more than a reasonable share of the joint and common costs of facilities used to provide those services.

"(14) CONGRESSIONAL NOTIFICATION REQUIRED.—

"(A) IN GENERAL.—The Commission may not take action to require participation by telecommunications carriers or other providers of telecommunications under paragraph (8), or to modify its rules to increase support for the preservation and advancement of universal service, until—

"(i) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the participation required, or the increase in support proposed, as appropriate; and

"(ii) a period of 120 days had elapsed since the date the report required under clause (i) was submitted.

"(B) NOT APPLICABLE TO REDUCTIONS.—This paragraph shall not apply to any action taken to reduce costs to carriers or consumers.

"(15) EFFECT ON COMMISSION'S AUTHORITY.—Nothing in this subsection shall be construed to expand or limit the authority of the Commission to preserve and advance universal service under this Act. Further, nothing in this subsection shall be construed to require or prohibit the adoption of any specific type of mechanism for the preservation and advancement of universal service.

"(16) EFFECTIVE DATE.—This subsection takes effect on the date of enactment of the Telecommunications Act of 1995, except for paragraphs (8), (9), (10), (11), and (14) which take effect one year after the date of enactment of that Act.".

"(17) ESSENTIAL TELECOMMUNICATIONS CARRIERS—

"(A) DESIGNATION OF ESSENTIAL CARRIER.—If one or more common carriers provide telecommunications service to a geographic area, and no common carrier will provide universal service to an unserved community or any portion thereof that requests such service within such area, then the Commission, with respect to interstate services, or a State, with respect to intrastate services, shall determine which common carrier serving that area is best able to provide universal service to the requesting unserved community or portion thereof, and shall designate that common carrier as an essential telecommunications carrier for that unserved community or portion thereof.

"(B) ESSENTIAL CARRIER OBLIGATIONS.—A common carrier may be designated by the Commission, or by a State, as appropriate, as an essential telecommunications carrier for a specific service area and become eligible to receive universal service support under section 253. A carrier designated as an essential telecommunications carrier shall—

"(i) provide through its own facilities or through a combination of its own facilities and resale of services using another carrier's facilities, universal service and any additional service (such as 911 service) required by the Commission or the State, to any community or portion thereof which requests such service;

"(ii) offer such services at nondiscriminatory rates established by the Commission, for interstate services, and the State, for intrastate services, throughout the service area; and

"(iii) advertise throughout the service area the availability of such services and the rates for such services using media of general distribution.

"(C) MULTIPLE ESSENTIAL CARRIERS.—If the Commission, with respect to interstate services, or a State, with respect to intrastate services, designates more than one common carrier as an essential telecommunications carrier for a specific service area, such carrier shall meet the service, rate, and advertising requirements imposed by the Commission or State on any other essential telecommunications carrier for that service area. A State shall require that, before designating an additional essential telecommunications carrier, the State agency authorized to make the designation shall find that—

"(i) the designation of an additional essential telecommunications carrier is in the public interest and that there will not be a significant adverse impact on users of telecommunications services or on the provision of universal service;

"(ii) the designation encourages the development and deployment of advanced telecommunications infrastructure and services in rural areas; and

"(iii) the designation protects the public safety and welfare, ensures the continued quality of telecommunications services, or safeguards the rights of consumers.

"(D) RESALE OF UNIVERSAL SERVICE.—The Commission, for interstate services, and the States, for intrastate services, shall establish rules to govern the resale of universal service to allocate any support received for the provision of such service in a manner that ensures that the carrier whose facilities are being resold is adequately compensated for their use, taking into account the impact of the resale on that carrier's ability to maintain and deploy its network as a whole. The Commission shall also establish, based on the recommendations of the Federal-State Joint Board instituted to implement this paragraph, rules to permit a carrier designated as an essential telecommunications carrier to relinquish that designation for a specific service area if another telecommunications carrier is also designated as an essential telecommunications carrier for that area. The rules—

"(i) shall ensure that all customers served by the relinquishing carrier continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining essential telecommunications carrier if such remaining carrier provided universal service through resale of the facilities of the relinquishing carrier; and

"(ii) shall establish criteria for determining when a carrier which intends to utilize resale to meet the requirements for designation under this paragraph has adequate resources to purchase, construct, or otherwise obtain the facilities necessary to meet its obligation if the reselling carrier is no longer able or obligated to resell the service.

"(E) ENFORCEMENT.—A common carrier designated by the Commission or a State as an essential telecommunications carrier that refuses to provide universal service within a reasonable period to an unserved community or portion thereof which requests such service shall forfeit to the United States, in the case of interstate services, or the State, in the case of intrastate services, a sum of up to $10,000 for each day that such carrier refuses to provide such service. In determining a reasonable period the Commission or the State, as appropriate, shall consider the nature of any construction required to serve such requesting unserved community or portion thereof, as well as the construction intervals normally attending such construction, and shall allow adequate time for regulatory approvals and acquisition of necessary financing.

"(F) INTEREXCHANGE SERVICES.—The Commission, for interstate services, or a State, for intrastate services, shall designate an essential telecommunications carrier for interexchange services for any unserved community or portion thereof requesting such services. Any common carrier designated as an essential telecommunications carrier for interexchange services under this subparagraph shall provide interexchange services included in universal service to any unserved community or portion thereof which requests such service. The service shall be provided at nationwide geographically averaged rates for interstate interexchange services and at geographically averaged rates for intrastate interexchange services, and shall be just and reasonable and not unjustly or unreasonably discriminatory. A common carrier designated as an essential telecommunications carrier for interexchange services under this subparagraph that refuses to provide interexchange service in accordance with this subparagraph to an unserved community or portion thereof that requests such service within 180 days of such request shall forfeit to the United States a sum of up to $50,000 for each day that such carrier refuses to provide such service. The Commission or the State, as appropriate, may extend the 180-day period for providing interexchange service upon a showing by the common carrier of good faith efforts to comply within such period.

"(G) IMPLEMENTATION.—The Commission may, by regulation, establish guidelines by which States may implement the provisions of this paragraph.

INOUYE AMENDMENT NO. 1420

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to amendment No. 1303, proposed by Mr. STEVENS, to the bill S. 652, supra; as follows:

On line 1, strike "reflecting" and all that follows through the end of line 3 and insert in lieu thereof "at charges that are based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the unbundled element, non-discriminatory, individually-priced to the smallest element that is technically feasible and economically reasonable to provide and based on providing a reasonable profit to the Bell operating company,".

BREAUX (AND LEAHY) AMENDMENT NO. 1421

Mr. BREAUX (for himself and Mr. LEAHY) proposed an amendment to the bill S. 652, supra; as follows:

On page 93, strike lines 7-12 and insert the following:

"(ii) Except for single-LATA States and States which have issued an order by June 1, 1995 requiring a Bell operating company to implement toll dialing parity, a State may not require a Bell operating company to implement toll dialing parity in an intra-LATA area before a Bell operating company has been granted authority under this subsection to provide inter-LATA services in that area or before three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intra-LATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates.

"(iii) In any State in which intra-LATA toll dialing parity has been implemented prior to the earlier date specified in clause (ii), no telecommunications carrier that serves greater than five percent of the nation's presubscribed access lines may jointly market inter-LATA telecommunications services and intra-LATA toll telecommunications services in a telephone exchange area in such state until a Bell operating company is authorized under this subsection to provide inter-LATA services in such telephone exchange area or until three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier.".

SENATE RESOLUTION 133—RELATIVE TO THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Mr. HELMS (for himself, Mr. LOTT, Mr. ABRAHAM, Mr. ASHCROFT, Mr. COATS, Mr. CRAIG, Mr. DEWINE, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. HATCH, Mr. KEMPTHORNE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SMITH, and Mr. THURMOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 133

Whereas the Senate affirms the commitment of the United States to work with other nations to enhance the protection of children, the advancement of education, the eradication of disease, and the protection of human rights;

Whereas the Constitution and laws of the United States are the best guarantees against mistreatment of children in our country;

Whereas the laws and traditions of the United States affirm the right of parents to raise their children and to transmit to them their values and religious beliefs;

Whereas the United Nations Convention on the Rights of the Child, if ratified, would become the supreme law of the land, taking precedence over State and Federal laws regarding family life;

Whereas that Convention establishes a "universal standard" which must be met by all parties to the Convention, thereby inhibiting the rights of the States and the Federal Government to enact child protection and support laws inconsistent with that standard; and

Whereas the Convention's intrusion into national sovereignty was manifested by the Convention's 1995 committee report faulting the United Kingdom for permitting parents to make decisions for their children without consulting those children: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United Nations Convention on the Rights of the Child is incompatible with the God-given right and responsibility of parents to raise their children;

(2) the Convention has the potential to severely restrict States and the Federal Government in their efforts to protect children and to enhance family life;

(3) the United States Constitution is the ultimate guarantor of rights and privileges to every American, including children; and

(4) the President should not sign and transmit to the Senate that fundamentally flawed Convention.

Mr. HELMS. Mr. President, every so often around this place we are asked to confront an idea whose time should never come, and the Senate resolution that I shall shortly send to the desk for appropriate reference is one of those very, very bad ideas.

Eighteen other Senators feel the same way about the proposed treaty called "The United Nations Convention on the Rights of the Child."

In addition to the Senator from North Carolina, other cosponsors are Senators LOTT, ABRAHAM, ASHCROFT, COATS, CRAIG, DEWINE, FAIRCLOTH, FRIST, GRAMM, GRAMS, HATCH, KEMPTHORNE, MCCONNELL, MURKOWSKI, NICKLES, SANTORUM, SMITH and THURMOND. I am honored to stand with such a distinguished group of Senators who feel, as I do, that President Clinton—indeed no PresidenT—should sign and transmit such a document to the U.S. Senate. If the President does attempt to push this unwise proposal through the Senate, I want him to know, and I want the Senate to know, that I intend to do everything possible to make sure that he is not successful.

Mr. President, more than 5,000 letters from across this country have poured into my office in opposition to the so-called "Convention on the Rights of the Child." I have received only one letter in support of this proposed treaty. The consensus is so evident in this mass of letters. It is stated, as a matter of fact, by Ron Christensen, of Fullerton, NE, who put it this way: "Every facet of our life is already being regulated by some 'politically correct' do-gooder. Our freedom is gradually being eroded under the pretext of 'protecting us.' This Convention, if ratified, would give children rights and privileges that they are not mature enough to handle, and would make any guidance and discipline from parents extremely difficult." That was Ron Christensen of Fullerton, NE.

Mr. President, the truth is, the American people are just not buying this bag of worms.

This proposed treaty is yet another attempt, in a growing list of United Nations ill-conceived efforts, to chip away at the U.S. Constitution. If ratified, this treaty would leave the United States open to hostile attacks on several fronts, particularly for any reservations to the treaty placed to try to safeguard U.S. Constitutional liberties. And from whom would those attacks come? From such gentle souls as Saddam Hussein and Fidel Castro, and other tyrants, who are just some of the parties who are signatories to that treaty.

Mr. President, let me state just one example. Recently, a United Nations committee—(established under another human rights treaty, The U.N. Covenant on Civil and Political Rights)—issued a document that would rewrite international law by reserving for itself the right to approve reservations to treaties approved by the U.S. Senate. As the saying goes, "how do you like them apples?" General comment No. 24 issued by the United Nations committee arrogantly states,

> It necessarily falls to the United Nations committee to determine whether a specific reservation is compatible with the object and purpose of the covenant. This is in part because it is an inappropriate task for States parties in relation to human rights treaties, and in part because it is a task that the Committee cannot avoid in the performance of its functions.

It goes on to say,

> The normal consequence of an unacceptable reservation is not that the covenant will not be in effect at all for a reserving party. Rather, such a reservation will generally be severable, in the sense that the covenant will be operative for the reserving party without the benefit of the reservation.

Bullfeathers, Mr. President. These reservations attached to treaties by the U.S. Senate are put there to protect the rights of the American citizens and protect the meaning of the U.S. Constitution. Yet, the United Nations claims for itself the right to strip U.S. reservations to any treaty, and nevertheless hold the U.S. bound to all of the obligations of the treaty. This attempt by the United Nations undermines the U.S. Constitution and is an outrage. I cannot believe any Senator

Document No. 50