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PROPOSED SIMON AMENDMENT TO S. 652

Mr. SIMON. Mr. President, today I submit an amendment that I plan to offer to S. 652, the telecommunications bill next week. The amendment will ensure that when the Regional Bell Operating Companies enter the business of manufacturing, the consumer will be protected against possible price increases as a result of cross-subsidization and self-dealing. While some of us may disagree on the wisdom of allowing the Bell companies into manufacturing, no one should disagree on the need to ensure the consumer is protected against possible rate increases.

I applaud the authors of the legislation for including certain safeguards already in the legislation. My amendment would take these protections one step further by requiring an audit conducted at the direction of the State. The language, which is based on last year's telecommunications bill, is simple and straightforward.

I hope that my colleagues will agree and adopt this important amendment. I ask unanimous consent that my amendment be printed in the RECORD.

On page 31, between lines 18 and 19, insert the following:

"(d) BIENNIAL AUDIT.—

"(1) GENERAL REQUIREMENT.—A company required to operate a separate subsidiary under this section shall obtain and pay for an audit every 2 years conducted by an independent auditor selected by, and working at the direction of, the State commission of each State in which such company provides service, to determine whether such company has complied with this section and the regulations promulgated under this section, and particularly whether such company has complied with the separate accounting requirements under subsection (b).

"(2) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State commission of each State in which the company audited provides service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

"(3) REGULATIONS.—The audit required under paragraph (1) shall be conducted in accordance with procedures established by regulation by the State commission of the State in which such company provides service. The regulations shall include requirements that—

"(A) each audit submitted to the Commission and to the State commission is certified by the auditor responsible for conducting the audit; and

"(B) each audit shall be certified by the person who conducted the audit and shall identify with particularity any qualifications or limitations on such certification and any other information relevant to the enforcement of the requirements of this section.

"(4) COMMISSION REVIEW.—The Commission shall periodically review and analyze the audits submitted to it under this subsection.

"(5) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

"(A) the independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each company and of its subsidiaries necessary to verify transactions conducted with that company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates;

"(B) the Commission and the State commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

"(C) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

On page 31, line 19, strike out "(d)" and insert in lieu thereof "(e)".

On page 32, line 10, strike out "(e)" and insert in lieu thereof "(f)".

On page 33, line 12, strike out "(f)" and insert in lieu thereof "(g)".

On page 34, line 20, strike out "(g)" and insert in lieu thereof "(h)".

On page 34, line 25, strike out "(h)" and insert in lieu thereof "(i)".

On page 35, line 1, strike out "(i)" and insert in lieu thereof "(j)".

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

Mr. DOLE. Mr. President, we are still in a period for morning business. I wanted to indicate that the chairman of the Commerce Committee, Senator PRESSLER, is standing by. He is prepared to do business. He is sincere about finishing the telecommunications bill, and he is prepared to stay here for the rest of the afternoon and on into the night. But in order for him to do business, somebody has to offer an amendment.

Now, it is my hope that we can finish this bill by next Tuesday evening. Senators PRESSLER and HOLLINGS think that may be possible. I understand that there are some who wanted to debate and said they were not getting time to debate, and they are not here at the present time—Senator DORGAN and Senator KERREY. Senator PRESSLER is on the floor. If you want to debate your amendment, this is a good opportunity. We want to finish this bill and move on to either welfare reform or regulatory reform next week.

So, hopefully, we will finish the bill no later than Tuesday evening. We will not file cloture today. This is an important bill. We should have a lengthy debate. A lot of people have different ideas on this bill. Certainly, we should be able to complete action on the bill by Tuesday. That would give us the better part of about 4½ to 5 days, which seems to be a considerable length of time, considering the importance of the bill.

But I just say that Senator PRESSLER is here and ready to do business. If the Senator from Iowa has an amendment, we would be happy to engage in a debate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 910 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, since I have to catch a flight back to Minnesota, and I understand the majority leader is going to be coming out in a moment, I just wanted to say to all who have been involved in these negotiations I am very pleased. I know that Senator LEVIN, Senator FEINGOLD, and Senator LAUTENBERG join me.

I thank Senator FORD from Kentucky and my colleagues on the other side of the aisle. It seems as if what we are going to have is an announcement that will make it clear that in July, and certainly no later than the end of the month, we will have an opportunity to have both lobby disclosure and the gift ban in this Chamber, and we will have the debate and we will have votes.

I think that is the way it should be. I am very pleased with what I understand is certainly going to be an agreement. The majority leader will go into this in more detail, and he will read the terms of the agreement, but this is what we have all been working for. It is what we have all been negotiating about. And from my own point of view, I think the most important thing is that this will be an opportunity for the Senate to go on record, this will be an opportunity for the Senate to, I think, really lead the way on a measure that has everything to do with openness in the political process, with accountability, with changing matters for the better.

People in the country really believe in public service, want to believe in public service. All of us do, Democrats and Republicans alike. I think this moment in July and this debate, this discussion and the final action by the Senate will be a very strong and positive reform.

So I am very pleased that finally these negotiations have borne fruit, and I am pleased that the majority leader will be out here to announce this. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, we have had some ongoing negotiations the last several days on lobbying reform legislation and gift ban legislation as it affects the Senate or affects Congress, depending on which prevails.

We have a unanimous-consent agreement. It is fairly lengthy, but I can read it. In any event, I ask that it be printed in the RECORD.

I ask unanimous consent that not later than Friday, July 28, and after notification of the minority leader, that we proceed to S. 101, a lobbying gift ban bill, the bill having been discharged and placed on the calendar by this consent agreement; that the motion to proceed be agreed to and the bill then be automatically divided into two separate pieces of legislation; the first measure embodying the text of title I regarding lobbying reform, and the second measure embodying the text of title II regarding gift rules; that the clerk be authorized to make the necessary changes in the form of the measure or matter that are appropriate, so that each measure stands on its own; that the Senate then begin consideration of the measure embodying title I; that immediately upon the disposition of that measure, the Senate turn to the consideration of the measure embodying title II; and that the preceding all occur without any intervening action or debate.

That is the first part of the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And the second part.

I further ask unanimous consent that if, after third reading of the second bill, which is gift rules, that bill contains matter which only applies to the Senate, the Senate then immediately turn to the consideration of a Senate resolution that contains the text of that language; that a vote occur on the resolution, without any intervening action or debate; and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that this agreement be null and void if a unanimous-consent agreement can be subsequently reached governing the Senate's consideration of legislation regarding the congressional gift rules and an original bill regarding lobbying reform, or a bill that encompasses both proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Finally, I ask unanimous consent that no bill, resolution, or amendment regarding the congressional gift ban rule or lobbying reform bill be in order prior to the execution of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That prior to the August recess, but not later than Friday, July 28, 1995, the Majority Leader, after notification of the Minority Leader, shall proceed to S. 101, a Lobbying Gift Ban Bill.

Ordered further, That the motion to proceed be agreed to and the bill then be automatically divided into two separate pieces of legislation: the first measure embodying the text of Title I regarding lobbying reform, and the second measure embodying the text of Title II regarding gift rules: *Provided*, That the Clerk be authorized to make the necessary changes in the form of the measure or matter that are appropriate, so that each measure stands on its own.

Ordered further, That the Senate then begin consideration of the measure embodying Title I, that immediately upon the disposition of that measure, the Senate turn to the consideration of the measure embodying Title II, and that the preceding all occur without any intervening action or debate.

Ordered further, That if after third reading of the second bill, that bill contains matter which only applies to the Senate, the Senate then immediately turn to the consideration of a Senate resolution that contains the text of that language, and that a vote occur on the resolution, without any intervening action or debate, and that the Senate bill be indefinitely postponed.

Ordered further, That this agreement be null and void if a unanimous consent agreement can be subsequently reached governing the Senate's consideration of legislation regarding the Congressional gift rules and an original bill regarding lobbying reform, or a bill that encompasses both proposals.

Ordered further, That no bill, resolution, or amendment regarding the Congressional gift ban rule or the lobbying reform bill be in order prior to the execution of this agreement.

Mr. DOLE. Mr. President, having gotten the consent agreement, let me indicate what it does.

We have been trying for some time to come together on a lobbying reform bill and gift rule changes. We are not there yet, but there is, I think it is fair to say, honest negotiation going on on both sides. This is not a partisan matter. I do not know of anybody here who does not want lobbying reform, depending on how you define "reform."

And I do not know of anybody who does not believe we can improve the gift rules that apply to Members of Congress. We have been working with the distinguished Senator from Kentucky, Senator FORD, and others on that side of the aisle. As I understand, there will be a number of us on each side of the aisle working together in the next few weeks to see if we can come up with a separate package, but, if not, then we will proceed to S. 101.

If we come up with a package and we agree on it, obviously, we have now consent to go to that. That is precisely what it is. I hope that we can do this. We will take it up no later than Friday, July 28, and if we have some agreement, or even without an agreement, it should not take more than 2 or 3 days of the Senate's time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I want to thank the majority leader for his patience, Senator LOTT's patience, and others as we have tried to move through this, because it is complicated. If it is a resolution, it only applies to the Senate. If it is a bill, it applies to the House and Senate.

There are different views on lobbying reform and on gift ban. But this S. 101 is a bipartisan piece of legislation. It is COHEN, LEVIN, WELLSTONE, and others as it relates to bipartisanship. So there is an interest on both sides of the aisle to work something out. Senator LEVIN has worked very hard, as the majority leader knows, to put this together and to bring this bill to the attention of the Senate and to have a stand-alone vote. Also, Senator WELLSTONE, Senator FEINGOLD, Senator LAUTENBERG—very sincere and like-minded individuals—and others.

I hope we at some point, as the majority leader says, can come together with a bipartisan effort so we can agree on it. If we do, I think it will be a bellwether day. Let me thank him and others who have been so diligent in this. We all understand the give and take, and sometimes we have to walk off and let it cool a little and come back and go after it again. That is the system. That is the institution. As of today, I am proud I am here. I thank the Chair.

Mr. DOLE. I thank the Senator from Kentucky. I just hope this is something on which the leadership, including the Senator from Kentucky, obviously the Senator from Mississippi, Senator LOTT, myself, and Senator DASCHLE, will have some input.

It seems to me we have to take some responsibility for changes in the lobbying procedures and also gift rules. I am prepared to do that. I know the Senator from Kentucky and I assume the Senators from South Dakota and Mississippi are, too, working with other Senators, because different people have different ideas on what reform is and what rule changes ought to be made.

As far as I am concerned, they can go as far as they want. It does not make any difference to this Senator. But I think we can work out a reasonable approach to get it done and get it behind us either before or during the August recess, let us put it that way, because we are not certain when the August recess will begin.

Mr. FORD. Mr. President, will the Senator qualify during the recess? Work on it after we go or is he indicating we may not go out?

Mr. DOLE. In fact, I should say, in all candor, we are working this weekend—my staff has been directed to work with others to see how much we really believe we can finish by the date of the normal August recess, which is scheduled to begin on Friday, August 4, and scheduled to conclude on September 5.

Obviously, all Senators hope we can keep that entire period of time. It is my hope we can also do that. But I must say to my colleagues, we need to take a hard look at where we are. It is a question of how long we stay out in August or how long we stay here in November. So it will be one way or the other. We will try to give everybody

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