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F-16 aircraft piloted by Captain Scott F. O'Grady while on combat patrol as part of NATO-commanded Operation Deny Flight;

Whereas in late 1994, reports indicate the United Nations vetoed NATO proposed operations to attack Bosnian Serb surface to air missile sites;

Whereas effective measures to defend against Bosnian Serb air defenses did not occur during Captain O'Grady's mission on June 2, 1995;

Whereas thousands of United States Armed Forces and armed forces of NATO allies were involved in search operations to recover Captain O'Grady;

Whereas Captain O'Grady, in the finest tradition of American military service, survived for six days and nights through courage, ingenuity and skill in territory occupied by hostile Bosnian Serb forces;

Whereas on June 8, 1995 Captain O'Grady was rescued in a daring operation by United States Marines;

Whereas aircraft involved in the rescue operation were attacked by Serb forces but no casualties occurred;

Therefore be it resolved by the Senate that it is the sense of the Senate that—

(1) Captain O'Grady deserves the respect and admiration of all Americans for his heroic conduct under life-threatening circumstances;

(2) the relief and happiness felt by the family of Captain O'Grady is shared by the United States Senate;

(3) all members of the United States and NATO armed forces involved in the search and rescue operations, in particular the members of the United States Marine Corps involved in the extraction of Captain O'Grady, are to be commended for their brave efforts and devotion to duty;

(4) U.S. and NATO air crews should not be put at risk in future operations over Bosnia unless all necessary actions to address the threat posed by hostile Serbian air defenses are taken.

AMENDMENTS SUBMITTED

The Telecommunications Competition and Deregulation Act of 1995 Communications Decency Act of 1995

SANTORUM AMENDMENT NO. 1267

Mr. SANTORUM proposed an amendment to the bill (S. 652) 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; as follows:

On page 94, strike out line 24 and all that follows through page 97, line 22, and insert in lieu thereof the following:

"(C) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

"(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission.

"(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients.

"(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient, and

"(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service.

"(D) providing signaling information used in connection with the provision of telephone exchange service or exchange access service to another local exchange carrier; or

"(E) providing network control signaling information to, and receiving such signaling information from, interchange carriers at any location within the area in which such company provides telephone exchange service or exchange access service.

"(2) LIMITATIONS.—The provisions of paragraph (1) are intended to be narrowly construed. The transmission facilities used by a Bell operating company or affiliate thereof to provide interLATA telecommunications under paragraph (1)(C) and subsection (f) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company until that Bell operating company receives authority to provide interLATA services under subsection (c). The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmissions incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public. A Bell operating company may not provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c). The provision of services authorized under this subsection by a Bell operating company or its affiliate shall not adversely affect telephone exchange ratepayers or competition in any telecommunications market.

"(f) COMMERCIAL MOBILE SERVICE.—A Bell operating company may provide interLATA commercial mobile service except where such service is a replacement for land line telephone exchange service in a State in accordance with section 322(c) and with the regulations prescribed by the Commission.

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

EXON AMENDMENT NO. 1268

(Ordered to lie on the table.)

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

Beginning on page 137 line 12 through page 143 line 10, strike all therein and insert in lieu thereof:

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

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

"(B) initiates the transmission of or purposefully makes available,

any comment, request, suggestion, proposal, image, or other communication which is obscene, 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—

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

"(B) initiates the transmission of, or purposefully makes available,

any indecent comment, request, suggestion, proposal, image, or other communication 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) The provision of access by a person, to a person including transmission, downloading, storage, navigational tools, and related capabilities which are incidental to the transmission of communications, and not involving the creation or editing of the content of the communications, for another person's communications to or from a service, facility, system, or network not under the access provider's control shall by itself not be a violation of subsection (a), (d), or (e). 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

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