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AMENDMENTS SUBMITTED

TELECOMMUNICATIONS EQUIPMENT RESEARCH AND MANUFACTURING COMPETITION ACT

INOUYE (AND OTHERS) AMENDMENT NO. 283

Mr. INOUYE (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. AKAKA, Mr. WELLSTONE, and Mr. METZENBAUM) proposed an amendment to the bill (S. 173) to permit the Bell Telephone Cos. to conduct research on, design, and manufacture telecommunications equipment, and for other purposes, as follows:

At the end of the bill, add the following:

"SEC. 228 (a). The Commission shall prescribe regulations requiring that any Bell Telephone Company that has an affiliate engaging in any manufacturing authorized by section 227(a) shall—

"(1) not engage in manufacturing until it has filed and received Commission approval of a plan that ensures—

"That the personnel of the Bell Company affiliates that are engaged in the manufacturing of telecommunications equipment will not participate in the formulation of generic or specific requirements for any such equipment that the Bell Telephone Company will purchase and will not obtain notice of such requirements in advance of unaffiliated firms, and

"That unaffiliated firms have the same opportunity as the Bell Telephone Company and its affiliates to prepare and submit proposals and quotes for telecommunications equipment to be purchased by the Bell Telephone Company and have that equipment evaluated on the merits;

"(2) purchase from unaffiliated firms at least a majority of each type of telecommunications equipment that is comparable to types of equipment manufactured by the Bell Telephone Company or its affiliate; and

"(3) sell, either directly or through its affiliate, to unaffiliated firms a substantial amount of telecommunications equipment manufactured by the Bell Telephone Company or its affiliate.

"(b)(1) Within 180 days after the date of enactment of this Act, the Commission shall adopt regulations defining the requirements in subsection (a), including a regulation defining the term "substantial" as an amount not less than 20 percent. The Commission may not alter the definition of the term "substantial" for five years from the date of enactment of this Act.

"(2) The FCC shall repeal the regulations adopted pursuant to subsection (a) when it determines that the Bell Telephone Company faces effective competition in providing local exchange service. The term "effective competition" shall mean that a majority of the residential subscribers and a majority of the business subscribers in the service area have access to local telephone service provided by an unaffiliated firm and that a substantial amount of residential subscribers and a substantial amount of business subscribers actually subscribe to the services of the unaffiliated firm.

"(3) Within one year of the date of enactment of this Act, the Commission shall report to the Congress on the state of competition in local telephone markets, the prospects for the development of competition, and the particular regulatory, technical, and financial barriers to the creation and maintenance of competition."

D'AMATO (AND OTHERS) AMENDMENT NO. 284

Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. GRASSLEY, Mr. MACK, Mr. MURKOWSKI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. HELMS, Mr. MOYNIHAN, Mr. SHELBY, and Mr. PACKWOOD) proposed an amendment to the bill S. 173, supra; as follows:

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

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL VICTORY PARADE FOR THE PERSIAN GULF WAR.

It is the sense of the Senate that any country—

(1) for which United States assistance is being withheld from obligation and expenditure pursuant to section 481(h)(5) of the Foreign Assistance Act of 1961; or

(2) which is listed by the Secretary of State under section 40(d) of the Arms Export Control Act or section 6(j) of the Export Administration Act of 1979 as a country the government of which has repeatedly provided support for acts of international terrorism,

should not be represented, either by diplomatic, military, or political officials, or by national images or symbols, at the victory parade scheduled to be held in Washington, District of Columbia, on June 8, 1991, to celebrate the liberation of Kuwait and the victory of the United Nations coalition forces over Iraq.

PRESSLER AMENDMENT NO. 285

Mr. PRESSLER proposed an amendment to the bill S. 173, supra; as follows:

At the end of the bill, add the following:

SEC. 4. ADDITIONAL AMENDMENT TO THE COMMUNICATIONS ACT OF 1934.

Section 220(d) of the Communications Act of 1934 (47 U.S.C. 220(d)) is amended by deleting "$6,000" and inserting in lieu thereof "$10,000".

SIMON (AND DECONCINI) AMENDMENT NO. 286

Mr. SIMON (for himself and Mr. DECONCINI) proposed an amendment to the bill S. 173, supra, as follows:

On page 12, between lines 2 and 3, insert the following new subsection:

"(k)(1) A Bell Telephone Company that manufactures or provides telecommunications equipment or manufactures customer premises equipment through an affiliate shall obtain and pay for an annual audit conducted by an independent auditor selected by and working at the direction of the State Commission of each State in which such Company provides local exchange service, to determine whether such Company has complied with this section and the regulations promulgated under this section, and particularly whether the Company has complied with the separate accounting requirements under subsection (c)(1).

"(2) The auditor described in paragraph (1) shall submit the results of such audit to the Commission and to the State Commission of each State in which the Company provides telephone exchange service. Any party may submit comments on the final audit report.

"(3) 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 local exchange service, including requirements that—

"(A) the independent auditors performing such audits are rotated to ensure their independence; and

"(B) each audit submitted to the Commission and to the State Commission is certified by the auditor responsible for conducting the audit.

"(4) The Commission shall periodically review and anlayze the audits submitted to it under this subsection, and shall provide to the Congress every 2 years—

"(A) a report of its findings on the compliance of the Bell Telephone Companies with this section and the regulations promulgated hereunder; and

"(B) an analysis of the impact of such regulations on the affordability of local telephone exchange service.

"(5) For purposes of conducting audits and reviews under this subsection, an independent auditor, the Commission, and the State Commission shall have access to the financial accounts and records of each Bell Telephone Company and those of its affiliates (including affiliates described in paragraphs (6) and (7) of subsection (c)) necessary to verify transactions conducted with such Bell Telephone Company that are relevant to the specific activities permitted under this section and that are necessary to the State's regulation of telephone rates. Each State Commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

On page 12, line 3, strike "(k)" and insert "(l)".

METZENBAUM AMENDMENT NOS. 287 THROUGH 289

Mr. METZENBAUM proposed three amendments to the bill S. 173, supra, as follows:

AMENDMENT No. 287

At the end, add the following new section:

SEC. 4. APPLICATION OF ANTITRUST LAWS.—Nothing in this Act shall be deemed to alter the application of federal and state antitrust laws as interpreted by the respective courts.

AMENDMENT No. 288

On page 11, line 3, strike "equipment." and insert in lieu thereof "equipment, consistent with subsection (e)(2).".

AMENDMENT No. 289

On page 3, strike lines 14 through 24 and insert the following:

"(1)(A) such manufacturing affiliate shall maintain books, records, and accounts separate from its affiliated Bell Telephone Company, that identify all transactions between the manufacturing affiliate and its affiliated Bell Telephone Company;

"(B) the Commission and the State Commissions that exercise regulatory authority over any Bell Telephone Company affiliated with such manufacturing affiliate, shall have access to the books, records, and accounts required to be prepared under subparagraph (A); and

"(C) such manufacturing affiliate shall, even if it is not a publicly held corporation, prepare financial statements which are in compliance with Federal financial reporting requirements for publicly held corporations, and file such statements with the Commission and the State Commissions that exercise regulatory authority over any Bell Telephone Company affiliated with such manu-

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facturing affiliate, and make such statements available for public inspection:

GRAMM (AND DOLE) AMENDMENT NO. 290

Mr. GRAMM (for himself and Mr. DOLE) proposed an amendment to the bill S. 193, supra, as follows:

On page 4, beginning with line 10, strike out all through line 17 on page 7.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 18, 1991, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on a measure currently pending before the subcommittee. The bill is: S. 1029, a bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the Subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 5, 1991, at 2:30 p.m., to hold a hearing on the nomination of Saundra Brown Armstrong, to be U.S. district judge for the Northern District of California; Timothy K. Lewis, to be U.S. district judge for the Western District of Pennsylvania; and William L. Osteen, to be U.S. district judge for the Middle District of North Carolina.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., June 5, 1991, to consider S. 106, a bill to amend the Federal Power Act.

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics, and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesday, June 5, at 2 p.m., to hold a briefing on Moscow Embassy construction plans.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS, AND ENVIRONMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans, and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 5 at 10 a.m. to markup the fiscal year 1992 Foreign Assistance Authorization legislation.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on June 5, 1991, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 667, Tribal Judicial Enhancement Act.

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

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, June, 5, 1991, 9:30 a.m. The focus of the hearing will be the enforcement of the Agricultural Quarantine Enforcement Act by the Postal Service.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on June 5, 1991, at 10 a.m., in SD-192, to hold a hearing on the "Circle of Poison: Devastation in the Third World."

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

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, June 5, beginning at 11 a.m., to conduct a hearing on recycling under the Resource Conservation and Recovery Act.

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

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet on Wednesday, June 5, 1991, at 9:30 a.m., to receive testimony on the total force policy report, and manpower and force structure plans, in review of S. 1066, the Department of Defense authorization bill for fiscal years 1992-93.

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

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet in open session on Wednesday, June 5, 1991, at 2 p.m., to receive testimony on ICBM modernization, in review of S. 1066, the Department of Defense authorization bill for fiscal years 1992-93.

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

ADDITIONAL STATEMENTS

TRIBUTE TO COMMANDER RICHARD ILKA, USNR

● Mr. DECONCINI. Mr. President, I rise today to recognize a devoted public servant who will be honored this evening by Renew America with their prestigious Environmental Partnership Award. Along with several of his colleagues, Comdr. Richard Ilka, USNR, of Scottsdale, AZ, will be honored for his outstanding service to protect, rescue, and rehabilitate thousands of sea birds and other marine species placed at risk by the catastrophic oilspills that occurred during and following the Desert Storm Operation.

The wildlife endangered by the oilspills included the Secotra Cormorant and hundreds of other species of birds, 180 species of muilusks, 106 species of fish, 5 species of dolphins, whales, and sea turtles. Thanks to the extraordinary cooperative efforts of the many volunteers and organizations involved with the rescue efforts, thousands of endangered birds and turtles were recovered, nursed back to health, and returned to their natural habitat.

I ask that my colleagues join me in recognizing someone who was involved with the Persian Gulf War in a rather unique position—to save and preserve, rather than to destroy. So often we

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