

amount of money when we are talking about a \$1.5 trillion budget.

To the average citizen, \$3 million is a lot of money. To the average citizen, \$15 million for electric cars is a lot of money. One of the things that I find most jading about our experiences here is how we throw around big numbers, \$100 million here, \$1 billion there, \$2 billion there, this for that program. After a while, it kind of loses its meaning. It is sort of like being at a crap table in a casino and playing only with chips, until you lose all the chips and then figure out that it was real money. I must say I have done that, too, Mr. President.

The fact is that the American people expect Congress to exercise fiscal sanity. There is a lot at stake here in this debate. There is a lot at stake—not because Senator COATS and I have worked for 10 years on this issue and obviously we feel very strongly and subjective about this issue—but it is important and critical, this issue is, because it is important and critical to the American people.

I hope that we can continue to conduct this debate, when the debate begins, on a very high plane. We can go a couple ways in this debate. I am not going to impugn anybody's integrity. I am not going to impugn anyone's motives. But I will make it perfectly clear what we have done since 1974. And what we have done is not a great service to the American people. In fact, it is a great disservice.

I hope that working with the people of the United States, working with some like-minded individuals such as Senator FEINSTEIN from California who is a cosponsor of this bill, and working together, we can persuade a sufficient number of our colleagues to cut off debate, in the form of invocation of cloture, and move forward with passage of the bill.

Now, Mr. President, I have talked with the majority leader, who obviously controls our activities here on the floor. The majority leader does not intend, and I agree with him, to drag out this debate for weeks as we did the balanced budget amendment.

This issue is very well known, Mr. President. It is not really a very complex issue. It is not nearly as complex as a number of issues that we address in a much shorter period of time on the floor of the Senate. The majority leader wants Members to put in long hours and put in a very few number of days and get this issue passed and behind us, because we do have a very large agenda. We do have a lot of issues that the American people expect the Senate to address.

I hope that we will maintain a high level of debate. I hope that we will put in long evenings, if it is necessary to do so. I hope in a very relatively short period of time we will be able to resolve this issue.

If we cannot resolve this issue favorably and enact a line-item veto, then, obviously, Senator COATS and I will not give up our quest for this very, very,

very crucial measure. At the same time, it would be rather pleasant for both Senator COATS and I to move on to other issues which also would command our attention.

I would like to say I appreciate the patience of the President in the chair. I know the hour is late. I want to thank him for that.

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

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

A CHECKLIST APPROACH TO TELECOMMUNICATIONS

Mr. PRESSLER. Mr. President, I wish to print in the RECORD a possible proposal for a checklist approach to the telecommunications bill. I invite comments for improving it from my colleagues. There have been many suggestions, and I hope my colleagues will consider these suggestions.

I ask unanimous consent that the checklist approach be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Discussion Draft]

March 16, 1995

"SEC. 255. INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

"(a) IN GENERAL.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Telecommunications Act of 1995 under section II(D) of the Modification of Final Judgment, a Bell operating company, or any subsidiary or affiliate of a Bell operating company, that meets the requirements of this section may provide—

"(1) interLATA telecommunications services originating in any region in which it is the dominant provider of wireline telephone exchange or exchange access services after the Commission determines that it has fully implemented the competitive checklist found in subsection (b)(3) in the area in which it seeks to provide interLATA telecommunications services;

"(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireline telephone exchange or exchange access service in accordance with the provisions of subsection (d); and

"(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

"(b) DUTY TO PROVIDE INTERCONNECTION.—

"(1) IN GENERAL.—A Bell operating company that provides telephone exchange or exchange access service has a duty under this Act upon request to provide, at rates that are just, reasonable, and nondiscriminatory—

"(A) for the exchange of telecommunications between its end users and the end users of another telecommunications carrier; and

"(B) interconnection that meets the requirements of paragraph (3) with the facilities and equipment of any other telecommunications carrier for the purpose of

permitting the other carrier to provide telephone exchange or exchange access services.

"(2) INTERCONNECTION AGREEMENT PROCESS.—The provisions of section 251 (c), (d), (e), (f), and (g) apply to the negotiation of a binding interconnection agreements under this section.

"(3) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under this section shall include:

"(A) Nondiscriminatory access that is at least equal in type, quality, and price to the access the local exchange carrier affords to itself or to any other entity.

"(B) The capability to exchange telecommunications between customers of the local exchange carrier and the telecommunications carrier seeking interconnection.

"(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the local exchange carrier where it has the legal authority to permit such access.

"(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

"(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

"(F) Local switching unbundled from transport, local loop transmission, or other services.

"(G) Nondiscriminatory access to—

"(i) 911 and E911 services;

"(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

"(iii) operator call completion services.

"(H) White pages directory listings for customers of the other carrier's telephone exchange service.

"(I) Before the date by which neutral telephone number administration arrangements must be established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with the neutral telephone number administration arrangements.

"(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

"(K) Before the date by which the Commission determines that telephone number portability is technically feasible and must be made available, telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with full number portability.

"(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

"(M) Reciprocal compensation arrangements for the origination and termination of telecommunications.

"(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable

condition for the Commission or a State to limit the resale—

“(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

“(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of such services, exclusive of any universal service support received for providing such services.

[Note in margin indicates that the following is to be placed in section 251: “The cost of establishing neutral number administration arrangements and number portability shall be borne by all providers on a competitively neutral basis.”]

“(3) COMPENSATION.—Amounts charged by a local exchange carrier for interconnection under this section shall meet the requirements of section 251(x)(x).

“(4) RELATIONSHIP TO SECTION 251 MINIMUM STANDARDS.—For the purpose of determining whether a Bell operating company may provide interLATA services under subsection (c), the provisions of this subsection shall be applied in lieu of any requirement under section 251(b).

“(5) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission shall adopt rules to implement the competitive checklist found in subsection (b)(3), but may not, however, by rule or otherwise, limit or extend the terms used in the competitive checklist.

“(c) IN-REGION SERVICES.—

“(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its subsidiary or affiliate may apply to the Commission for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

“(2) DETERMINATION BY COMMISSION.—

“(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission shall issue a written determination, on the record after a hearing and opportunity for comment. Before making any determination under this subparagraph, the Commission shall consult with the Attorney General regarding the application.

“(B) APPROVAL.—The Commission may only approve the authorization requested in any application submitted under paragraph (1) if it finds that—

“(i) the requested authorization is consistent with the public interest, convenience and necessity;

“(ii) the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(3); and

“(iii) the requested authority will be carried out in accordance with the requirements of section 252.

“(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission shall publish in the Federal Register a brief description of the determination.

“(4) JUDICIAL REVIEW.—

“(A) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in such company's application, may commence an action in any United States Court of Appeals against the Commission for judicial review of the determination regarding the application.

“(B) JUDGMENT.—

“(i) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code.

“(ii) A judgment.—

“(1) affirming any part of the determination that approves granting all or part of the requested authorization, or

“(2) reversing part of the determination that denies all or part of the requested authorization,

shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance or reversal applies.

“(5) REQUIREMENTS RELATING TO SEPARATE SUBSIDIARY; SAFEGUARDS; AND INTRALATA TOLL DIALING PARITY.—

“(A) SEPARATE SUBSIDIARY; SAFEGUARDS.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment before the date of enactment of the Telecommunications Act of 1995, a Bell operating company, or any subsidiary or affiliate of such a company, providing interLATA services in that market only in accordance with the requirements of section 252.

“(B) INTERLATA TOLL DIALING PARITY.—

“(i) A Bell operating company granted authority to provide interLATA services under this subsection shall provide intraLATA toll dialing parity throughout that market coincident with its exercise of that authority. If the Commission finds that such a Bell operating company has provided interLATA service authorized under this clause before its implementation of intraLATA toll dialing parity throughout that market, or fails to maintain intraLATA toll dialing parity throughout that market, the Commission, except in cases of inadvertent interruptions or other events beyond the control of the Bell operating company, shall suspend the authority to provide interLATA service for that market until the Commission determines that interLATA toll dialing parity is implemented or reinstated.

“(ii) A State may not order the implementation of toll dialing parity in intraLATA area before a Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

“(d) OUT-OF-REGION SERVICES.—A Bell operating company or its subsidiary or affiliate may provide interLATA telecommunications services originating in any area where such company is not the dominant provider of wireline telephone exchange or exchange access service upon the enactment of the Telecommunications Act of 1995.

“(e) INCIDENTAL SERVICES.—

“(1) IN GENERAL.—A Bell operating company may provide interLATA services that are incidental to the purposes of—

“(A)(i) providing audio programming, video programming, or other programming services to subscribers of such company,

“(ii) providing the capability for interaction by such subscribers to select or respond to such audio programming, video pro-

gramming, or other programming services, to order, or control transmission of the programming, polling or balloting, and ordering other goods or services, or

“(iii) providing to distributors audio programming or video programming that such company owns, controls, or is licensed by the copyright owner of such programming, or by an assignee of such owner, to distribute,

“(B) providing a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of the enactment of the Telecommunications Act of 1995, a provider of wireline telephone exchange service,

“(C) providing a commercial mobile service except where such service is a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service in a State in accordance with section 332(c) of this Act and with the regulations prescribed by the Commission,

“(D) 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;

“(E) providing signaling information used in connection with the provision of exchange or exchange access services to a local exchange carrier that, together with any affiliated local exchange carriers, has aggregate annual revenues of less than \$100,000,000; or

“(F) providing network control signaling information to, and receiving such signaling information from, interexchange carriers at any location within the area in which such company provides exchange services or exchange access.

“(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 subparagraphs (C) and (D) of paragraph (1) 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 unless the Commission or a State approves different terms and conditions. The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmission 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 and, except as provided in paragraph (1)(A)(iii),

does not include the interLATA transmission of audio, video, or other programming services provided by others.

“(3) REGULATIONS.—

“(A) The Commission shall prescribe regulations for the provision by a Bell operating company or any of its affiliates of the interLATA services authorized under this subsection. The regulations shall ensure that the provision of such service by a Bell operating company or its affiliate does not—

“(i) permit that company to provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c), or

“(ii) adversely affect telephone exchange ratepayers or competition in any telecommunications services market.

“(B) Nothing in this paragraph shall delay the ability of a Bell operating company to provide the interLATA services described in paragraph (1) immediately upon enactment of the Telecommunications Act of 1995.

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

“(1) LATA.—THE TERM ‘LATA’ MEANS A LOCAL ACCESS AND TRANSPORT AREA AS DEFINED IN UNITED STATES V. WESTERN ELECTRIC CO., 569 F. SUPP. 990 (UNITED STATES DISTRICT COURT, DISTRICT OF COLUMBIA) AND SUBSEQUENT JUDICIAL ORDERS RELATING THERETO.

“(2) AUDIO PROGRAMMING SERVICES.—The term ‘audio programming services’ means programming provided by, or generally considered to be comparable to programming provided by, a radio broadcast station.

“(3) VIDEO PROGRAMMING SERVICES; OTHER PROGRAMMING SERVICES.—The terms ‘video programming service’ and ‘other programming services’ have the same meanings as such terms have under section 602 of this Act.

“(g) CURRENTLY AUTHORIZED ACTIVITIES.—Subsection (a) does not prohibit a Bell operating company, or its subsidiary or affiliate, from engaging, at any time after the date of enactment of the Telecommunications Act of 1995, in any activity authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgement if such order was entered on or before such date of enactment.”.

RECOGNITION OF JOSEPH E. SEAGRAMS & SONS

Mr. MACK. Mr. President, in 1988 Joseph E. Seagrams & Sons, Inc., founded Meals-on-Wheels America to help communities across the Nation feed their homebound elderly. Mr. President, I rise to speak today to recognize Joseph E. Seagrams & Sons, Inc. for their \$5,000 grant to the North Miami Foundation for Senior Citizens' Services, Inc., who in conjunction with Meals-on-Wheels America, will expand their services and increase the number of recipients of this important program.

In addition, I commend the volunteers from the Seagram family and Senior Citizens Services, Inc., for their tireless efforts in distributing and serving the meals. Through their hard work and dedication, they have improved the quality of life for the homebound elderly. As our elderly population continues to grow, our country will become increasingly dependent on the altruistic efforts of groups like Joseph E. Seagrams & Sons and the North Miami Foundation for Senior Citizens' Services, Inc.

TRIBUTE TO JOHN BYRNE, IBEW LOCAL UNION NO. 401

Mr. REID. Mr. President, on occasion, like other Members of this body, I am pleased to take the opportunity to recognize residents of my home State who have made significant contributions to their community. These comment are then included in the CONGRESSIONAL RECORD where they become a permanent part of our Nation's history.

Today, I am proud to recognize a native Nevadan, and a good friend, John Byrne, on the occasion of his retirement. Throughout his career as an electrician and labor official, John has exemplified the traits of excellence and leadership.

John grew up in the historic mining town of Virginia City, NV, graduating from Storey County High School in 1943. After completing his electrical apprenticeship in Medford, OR, he returned to Reno where he was employed by Landa Electric as general foreman. In 1951, he transferred his union membership to IBEW Local 401 in Reno.

During the next 6 years, John earned the respect and admiration of his fellow electrical workers and, in 1957, as elected financial secretary and business manager of the local. He held this position until 1966 when he accepted the appointment as secretary and business representative of the Northern Nevada Building Trades Council, a position he held until 1971. Following an interim appointment as secretary/business representative of the Honolulu Building Trades Council, he returned to Reno and was reelected financial secretary and business manager of IBEW Local 401.

In addition to these professional achievements, John has also been active in civic and community affairs. He has served on the Washoe County Building Code Appeal Board, the Reno Electrical Board of Examiners, the Nevada Employment Security Board of Review, the Nevada State Apprenticeship Council, as chairman of the Nevada OSHA Review Board, and as president of the California State Electrical Association.

As a member of the Governor's Committee for the Restoration of Virginia City, he played an active role in the preservation of the historic Fourth Ward School and other projects that preserved our State's early history. He has also served as a member of the Virginia City Volunteer Fire Department and has been named to the Virginia High School Hall of Fame for outstanding achievement.

John Byrne's reputation in the State is reflected in an award bestowed upon him by the Associated General Contractors for Skill, Integrity, and Responsibility. John is the only labor representative in Nevada history to be recognized with the S.I.R. award.

On March 30, 1995, John will be honored by his friends and coworkers at a luncheon in Reno, NV. It is a privilege for me to recognize his achievements,

and his dedication and commitment to the State and his profession. On behalf of all Nevadans, I wish him the best for his future goals.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in \$1 trillion? When you decide upon an answer, no matter what it is, bear in mind that it was Congress that ran up a debt now exceeding \$4.8 trillion.

To be exact, as of the close of business yesterday, Wednesday, March 15, the total Federal debt—down to the penny—stood at \$4,847,771,555,727.54—meaning that every man, woman, and child in America now owes \$18,402.22 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding \$4.8 trillion and headed shortly for \$5 trillion and higher.

A TRIBUTE TO MAX HAWK

Mr. PRESSLER. Mr. President, I rise today to recognize one of South Dakota's dedicated educators, Max Hawk of Yankton. For the past 38 years, Hawk has been a teacher and a coach, serving in Scotland for 8 years and Yankton for the remaining 30. While admired and respected as a committed teacher, he is best known in South Dakota for his exemplary skill as a football coach. Hawk earned 284 career gridiron victories, making him second on South Dakota's all-time list. His teams have earned eight State titles, including the Class 11AA title this past fall, and 20 conference titles. In all those years, his teams only had one losing season.

Hawk is not only respected by his students and players, but also by his peers nationwide. He has been awarded many honors, including being inducted into the South Dakota High School Coaches Association Hall of Fame in 1979 and being named National High School Football Coach of the Year in 1986.

When Max Hawk retires this spring, South Dakota will be losing a great asset. However, his legacy of excellence will live on for years to come. I join with the citizens and students of Yankton and South Dakota who honor Max Hawk for his devotion to his profession, his community, and his State.

Mr. President, I ask unanimous consent to place an article about Mr. Hawk from the Sioux Falls Argus Leader in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows: