

and expressly required by mandatory obligations in international agreements" was replaced with the phrase "required by international agreements." We expect the requirements of such agreements to be narrowly construed and thus the additional language is not necessary. We intend that immunities in connection with such organizations activities in connection their capacity as providers, directly or indirectly, of commercial communication services, will be eliminated. Thus, for example they would not be immune from bribery of foreign officials to further their business activities, violations of antitrust laws or any other laws, subject to the qualifications in this subsection. Second, subparagraphs 5(d)(1) and 5(d)(2) of H.R. 4353 were combined into one subparagraph. All of the actions required of the Administration under 5(d)(1) (dealing with immunities for suit or legal process in connection with such organizations' capacity as a provider, directly or indirectly, of commercial telecommunications services) in H.R. 4353 were also covered also by 5(d)(2) in H.R. 4353 (which sought elimination or substantial reduction of all immunities not eliminated pursuant to subparagraph 5(d)(1)). These subsections were combined into a single 5(d)(1) which applies to all privileges and immunities. The managers intend that the President will vigorously and expeditiously pursue the elimination or substantial reduction of such privileges and immunities. The reference to the Federal Communications Commission was eliminated from this subsection because the Commission already has the authority under the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, as amended, to condition entry into the U.S. market on waiver of privileges or immunities. Such waivers should be required where the Commission determines that such immunities result in inappropriate or undesirable advantages in the U.S. market, or where doing so would otherwise facilitate the attainment of the policies and objectives in this legislation, the Communications Satellite Act of 1962 or the Telecommunications Act of 1934 or would otherwise serve the public interest. This includes but is not limited to conditioning entry by COMSAT and other Signatories into the U.S. domestic market on waiver of immunities. Conditioning such entry is consistent with existing Commission policy which has been implemented a number of times in the past as described in the background section of the report on H.R. 4353. The Commission also has the authority under the Communications Act of 1934 and the Communications Satellite Act of 1962 to condition entry to the U.S. market with respect to services of the organizations described in subparagraph 5(a)(1) (or their successors) in order to obtain the policy set by subparagraph 5(a)(2). Subparagraph 5(d)(2) permits the President to designate which agreements constitute international agreements for the purposes of this section. This is included for the purpose of allowing the President flexibility as to whether the INTELSAT Headquarters Agreement is an international agreement for the purposes of this section. Subparagraph 5(d)(2) was included because some raised a concern whether this agreement was an "international" agreement since it was an agreement between one nation and an international organization. We do not address this particular question but rather leave it to the President to determine and intend that

his authority to make the determination as to whether the Headquarters Agreement constitutes an international agreement for the purposes of this section be ongoing. This subparagraph is not intended to cover any additional agreements which may be adopted subsequent to the enactment of this legislation.

This legislation we are considering today is particularly important because privileges and immunities are a competitive advantage of the intergovernmental satellite organizations which harms competition in the United States communications market.

Another important aspect of the legislation is that it also says that the Foreign Corrupt Practices Act (FCPA) will continue to apply to intergovernmental satellite organizations until they achieve a pro-competitive privatization. The legislation sets such pro-competitive privatization as U.S. government policy and says that in order for a privatization to be pro-competitive it must be consistent with "the United States policy of obtaining full and open competition to such organizations (or their successors), and non-discriminatory market access, in the provision of satellite service." See section 5(a)(2). Bribery of such organizations is subject to the FCPA until the President makes a certification pursuant to section 5(b)(1), that a pro-competitive privatization has been achieved. For the purposes of section 5(b)(1) the President is to make a determination under subparagraph 5(a)(2) as to whether such privatization is consistent with the policy described in that subparagraph.

Overall, this legislation is designed to reduce to the minimum possible level the privileges and immunities of the intergovernmental satellite organizations. To the extent such immunities can be eliminated without abrogating international agreements the legislation does so subject to the May 1, 1999 effective date. To the extent such immunities are not thus eliminated, the managers intend the United States to seek their elimination as quickly as possible using all appropriate measures necessary to do so.

I would like to thank Chairman OXLEY for cosponsoring this legislation, and for helping to move it through the Committee process by a voice vote. He has been a leader on international issues and this is one more example of his talents. I am also pleased to have the input of the Ranking Minority Member, Mr. DINGELL. His help made a good bill even better. I would like to thank as well the Ranking Minority Member on the subcommittee, Mr. MANTON for his co-sponsorship fine service to our Committee. I also wish to thank Mr. MARKEY, who was the first cosponsor joining Chairman OXLEY and I in moving this bill forward. He and I have worked closely on this issue and I greatly appreciate his advocacy and assistance. Finally, I would also like to thank Senator BURNS for his cooperation in reaching a final deal and Secretary Daley and his staff and other hardworking Administration officials for helping us move this important legislation forward.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Further reserving the right to object, Mr. Speaker, I support the position of the gentleman from Virginia (Mr. BLILEY).

Mr. Speaker, I want to make one thing clear: I firmly believe that it is in the vital inter-

ests of American workers and American business that this Congress pass legislation this year implementing the OECD anti-bribery convention.

I understand the proposal before us includes an extraneous matter involving satellites which represents a compromise with the Administration, Comsat, and at least one Senator. My concern is that this is all happening in the very last minutes of this Congress, and may jeopardize passage of this legislation. I have not heard any definitive commitment from the Leadership of the other body that it intends to consider this matter.

Let me explain the legislative situation we face. There has never been any controversy over the provisions in this bill implementing the OECD anti-bribery convention. The only issue in controversy has been the extraneous satellite provisions.

The Senate has now passed legislation ratifying and implementing the anti-bribery convention on two different occasions, and, both times they have passed it without the satellite provisions that my good friend Chairman BLILEY has put in the House bill. The most certain way to ensure enactment of the anti-bribery legislation would be for my Republican Colleagues to concur with the Senate amendment and send that bill to the President.

Mr. Speaker, I certainly hope that action on this matter can be completed, because if it's not, American workers and American firms that must compete in international markets where bribery is prevalent, will pay the price.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Virginia?

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2375, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1998

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight and the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4857) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?