

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1641

To supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82-0192, United States District Court for the District of Columbia; and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1995

Mr. CONYERS introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82-0192, United States District Court for the District of Columbia; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antitrust Reform Act  
5 of 1995”.

1 **SEC. 2. AUTHORIZATION FOR BELL OPERATING COMPANY**  
2 **TO ENTER COMPETITIVE LINES OF BUSINESS.**

3 (a) APPLICATION.—

4 (1) IN GENERAL.—After the applicable date  
5 specified in paragraph (2), a Bell operating company  
6 may apply to the Attorney General for authorization,  
7 notwithstanding the Modification of Final Judgment—  
8 ment—

9 (A) to provide alarm monitoring services,  
10 or

11 (B) to provide interexchange telecommuni-  
12 cations services.

13 The application shall describe with particularity the  
14 nature and scope of the activity, and of each product  
15 market or service market, and each geographic mar-  
16 ket, for which authorization is sought.

17 (2) APPLICABLE DATES.—For purposes of  
18 paragraph (1), the applicable date after which a Bell  
19 operating company may apply for authorization shall  
20 be—

21 (A) the date of the enactment of this Act,  
22 with respect to providing interexchange tele-  
23 communications services, and

24 (B) the date that occurs 66 months after  
25 the date of the enactment of this Act, with re-  
26 spect to providing alarm monitoring services.

1           (3) PUBLICATION.—Not later than 10 days  
2 after receiving an application made under paragraph  
3 (1), the Attorney General shall publish the applica-  
4 tion in the Federal Register.

5           (b) DETERMINATION BY THE ATTORNEY GEN-  
6 ERAL.—

7           (1) COMMENT PERIOD.—Not later than 45 days  
8 after an application is published under subsection  
9 (a)(3), interested persons may submit written com-  
10 ments to the Attorney General regarding the appli-  
11 cation. Submitted comments shall be available to the  
12 public.

13           (2) DETERMINATIONS.—(A) After the time for  
14 comment under paragraph (1) has expired, but not  
15 later than 180 days after receiving an application  
16 made under subsection (a)(1), the Attorney General  
17 shall issue a written determination with respect to  
18 granting the authorization for which the Bell operat-  
19 ing company has applied.

20           (B) Such determination shall be based on a pre-  
21 ponderance of the evidence.

22           (C) Any person who would be threatened with  
23 loss or damage as a result of the approval of the au-  
24 thorization requested shall be permitted to partici-

1       pate as a party in the proceeding on which the de-  
2       termination is based.

3               (D) The Attorney General shall approve the  
4       granting of the authorization requested in the appli-  
5       cation only to the extent that the Attorney General  
6       finds that there is no substantial possibility that  
7       such company or its affiliates could use monopoly  
8       power to impede competition in the market such  
9       company seeks to enter. The Attorney General shall  
10      deny the remainder of the requested authorization.

11              (E) A determination that approves the granting  
12      of any part of a requested authorization shall de-  
13      scribe with particularity the nature and scope of the  
14      activity, and of each product market or service mar-  
15      ket, and each geographic market, to which approval  
16      applies.

17              (3) PUBLICATION.—Not later than 10 days  
18      after issuing a determination under paragraph (2),  
19      the Attorney General shall publish in the Federal  
20      Register a brief description of the determination.

21              (4) FINALITY.—A determination made under  
22      paragraph (2) shall be final unless a civil action with  
23      respect to such determination is timely commenced  
24      under subsection (c)(1).

1           (5) AUTHORIZATION GRANTED.—A requested  
2 authorization is granted to the extent that—

3           (A)(i) the Attorney General approves  
4 under paragraph (2) the granting of the au-  
5 thorization, and

6           (ii) the approval is not vacated or reversed  
7 as a result of judicial review authorized by sub-  
8 section (c), or

9           (B) as a result of such judicial review of  
10 such determination, the Attorney General ap-  
11 proves the granting of the requested authoriza-  
12 tion.

13       (c) JUDICIAL REVIEW.—

14           (1) COMMENCEMENT OF ACTION.—Not later  
15 than 45 days after a determination by the Attorney  
16 General is published under subsection (b)(3), the  
17 Bell operating company that applied to the Attorney  
18 General under subsection (a), or any person who  
19 would be threatened with loss or damage as a result  
20 of the determination regarding such company's en-  
21 gaging in the activity described in such company's  
22 application, may commence an action in the United  
23 States Court of Appeals for the District of Columbia  
24 Circuit against the Attorney General for judicial re-  
25 view of the determination regarding the application.

1           (2) CERTIFICATION OF RECORD.—As part of  
2 the answer to the complaint, the Attorney General  
3 shall file in such court a certified copy of the record  
4 upon which the determination is based.

5           (3) CONSOLIDATION OF ACTIONS.—The court  
6 shall consolidate for judicial review all actions com-  
7 menced under this subsection with respect to the ap-  
8 plication.

9           (4) JUDGMENT.—(A) The court shall enter a  
10 judgment after reviewing the determination in ac-  
11 cordance with section 706 of title 5 of the United  
12 States Code.

13           (B) A judgment—

14           (i) affirming any part of the determination  
15 that approves granting all or part of the re-  
16 quested authorization, or

17           (ii) reversing any part of the determination  
18 that denies all or part of the requested author-  
19 ization,

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

1 **SEC. 3. AUTHORIZATION AS PREREQUISITE.**

2 (a) PREREQUISITE.—Until a Bell operating company  
3 is so authorized in accordance with section 2, it shall be  
4 unlawful for such company, directly or through an affili-  
5 ated enterprise, to engage in an activity described in sec-  
6 tion 2(a)(1).

7 (b) GENERAL EXCEPTIONS.—Except with respect to  
8 providing alarm monitoring services, subsection (a) shall  
9 not prohibit a Bell operating company from engaging, at  
10 any time after the date of the enactment of this Act in  
11 any activity as authorized by an order entered by the Unit-  
12 ed States District Court for the District of Columbia pur-  
13 suant to section VII or VIII(C) of the Modification of  
14 Final Judgment, if—

15 (1) such order was entered on or before the  
16 date of the enactment of this Act, or

17 (2) a request for such authorization was pend-  
18 ing before such court on the date of the enactment  
19 of this Act.

20 (c) EXCEPTIONS FOR INCIDENTAL SERVICES.—Sub-  
21 section (a) shall not prohibit a Bell operating company,  
22 at any time after the date of the enactment of this Act,  
23 from providing interexchange telecommunications services  
24 for the purpose of—

1           (1)(A) providing audio programming, video pro-  
2           gramming, or other programming services to sub-  
3           scribers to such services of such company,

4           (B) providing the capability for interaction by  
5           such subscribers to select or respond to such audio  
6           programming, video programming, or other pro-  
7           gramming services, or

8           (C) providing to distributors audio program-  
9           ming or video programming that such company  
10          owns, controls, or is licensed by the copyright owner  
11          of such programming, or by an assignee of such  
12          owner, to distribute,

13          (2) providing a telecommunications service,  
14          using the transmission facilities of a cable system  
15          that is an affiliate of such company, between ex-  
16          change areas within a cable system franchise area in  
17          which such company is not, on the date of the enact-  
18          ment of this Act, a provider of wireline telephone ex-  
19          change service,

20          (3) providing commercial mobile services in ac-  
21          cordance with existing law,

22          (4) providing a service that permits a customer  
23          that is located in one exchange area to retrieve  
24          stored information from, or file information for stor-

1 age in, information storage facilities of such com-  
2 pany that are located in another exchange area,

3 (5) providing signaling information used in con-  
4 nection with the provision of exchange services to a  
5 local exchange carrier that, together with any affili-  
6 ated local exchange carriers, has aggregate annual  
7 revenues of less than \$100,000,000, or

8 (6) providing network control signaling infor-  
9 mation to, and receiving such signaling information  
10 from, interexchange carriers at any location within  
11 the area in which such company provides exchange  
12 services or exchange access.

13 **SEC. 4. LIMITATIONS ON MANUFACTURING AND PROVID-**  
14 **ING EQUIPMENT.**

15 (a) **ABSOLUTE LIMITATION.**—Until the expiration of  
16 the 1-year period beginning on the date of the enactment  
17 of this Act, it shall be unlawful for a Bell operating com-  
18 pany, directly or through an affiliated enterprise, to manu-  
19 facture or provide telecommunications equipment, or to  
20 manufacture customer premises equipment.

21 (b) **QUALIFIED LIMITATION.**—

22 (1) **REQUIRED CONDITIONS.**—After the expira-  
23 tion of the 1-year period beginning on the date of  
24 the enactment of this Act, it shall be lawful for a  
25 Bell operating company, directly or through an af-

1       filiated enterprise, to manufacture or provide tele-  
2       communications equipment, or to manufacture cus-  
3       tomer premises equipment, to the extent described in  
4       a notification to the Attorney General that meets the  
5       requirements of paragraph (2) and only if—

6               (A) such company submits to the Attorney  
7       General, at any time after the date of the en-  
8       actment of this Act, the notification described  
9       in paragraph (2) and such additional material  
10      and information described in such paragraph as  
11      the Attorney General may request, and complies  
12      with the waiting period specified in paragraph  
13      (3), and

14             (B)(i) the waiting period specified in para-  
15      graph (3) expires without the commencement of  
16      a civil action by the Attorney General in accord-  
17      ance with paragraph (4) to enjoin such com-  
18      pany from engaging in the activity described in  
19      such notification, or

20             (ii) before the expiration of such waiting  
21      period, the Attorney General notifies such com-  
22      pany in writing that the Attorney General does  
23      not intend to commence such a civil action with  
24      respect to such activity.

1           (2) NOTIFICATION.—The notification required  
2           by paragraph (1) shall be in such form and shall  
3           contain such documentary material and information  
4           relevant to the proposed activity as is necessary and  
5           appropriate for the Attorney General to determine  
6           whether there is no substantial possibility that such  
7           company or its affiliates could use monopoly power  
8           to impede competition in the market such company  
9           seeks to enter for such activity.

10           (3) WAITING PERIOD.—The waiting period re-  
11           ferred to in paragraph (1) is the 1-year period be-  
12           ginning on the date the notification required by such  
13           paragraph is received by the Attorney General.

14           (4) CIVIL ACTION.—Not later than 1 year after  
15           receiving a notification required by paragraph (1),  
16           the Attorney General may commence a civil action in  
17           an appropriate district court of the United States to  
18           enjoin the Bell operating company from engaging in  
19           the activity described in such notification, if the At-  
20           torney General determines that there is a substantial  
21           possibility that such company or its affiliates could  
22           use monopoly power to impede competition in the  
23           market it seeks to enter with respect to such activ-  
24           ity.

1 (c) EXCEPTION FOR PREVIOUSLY AUTHORIZED AC-  
2 TIVITIES.—Subsections (a) and (b) shall not prohibit a  
3 Bell operating company from engaging, at any time after  
4 the date of the enactment of this Act, in any activity as  
5 authorized by an order entered by the United States Dis-  
6 trict Court for the District of Columbia pursuant to sec-  
7 tion VII or VIII(C) of the Modification of Final Judg-  
8 ment, if—

9 (1) such order was entered on or before the  
10 date of the enactment of this Act, or

11 (2) a request for such authorization was pend-  
12 ing before such court on the date of the enactment  
13 of this Act.

14 **SEC. 5. PROHIBITIONS.**

15 (a) ANTICOMPETITIVE DISCRIMINATION.—A Bell op-  
16 erating company with monopoly power in any exchange  
17 service market that is engaged (directly or through an af-  
18 filiated enterprise) in an activity described in section  
19 2(a)(1) or 4(a) shall not discriminate, in any relevant mar-  
20 ket, between itself or an affiliated enterprise and any other  
21 person, or between any 2 such other persons, with respect  
22 to any product or service related to the provision or use  
23 of a telecommunications service if the effect of such dis-  
24 crimination may be to substantially lessen competition, or  
25 to tend to create a monopoly, in any line of commerce.

1 (b) ANTICOMPETITIVE CROSS-SUBSIDIES.—A Bell  
2 operating company with monopoly power in any exchange  
3 service market shall not use (directly or indirectly) pro-  
4 ceeds obtained from providing exchange service in such  
5 market to subsidize, in any relevant market, an activity  
6 described in section 2(a)(1) or 4(a) if the effect of such  
7 subsidization may be to substantially lessen competition,  
8 or to tend to create a monopoly, in any line of commerce.

9 **SEC. 6. ENFORCEMENT.**

10 (a) EQUITABLE POWERS OF UNITED STATES ATTOR-  
11 NEYS.—It shall be the duty of the several United States  
12 attorneys, under the direction of the Attorney General, to  
13 institute proceedings in equity in their respective districts  
14 to prevent and restrain violations of this Act.

15 (b) CRIMINAL LIABILITY.—Whoever knowingly en-  
16 gages or knowingly attempts to engage in an activity that  
17 is prohibited by section 3, 4, or 5 shall be guilty of a fel-  
18 ony, and on conviction thereof, shall be punished to the  
19 same extent as a person is punished upon conviction of  
20 a violation of section 1 of the Sherman Act (15 U.S.C. 1).

21 (c) PRIVATE RIGHT OF ACTION.—Any person who is  
22 injured in its business or property by reason of a violation  
23 of this Act—

24 (1) may bring a civil action in any district court  
25 of the United States in the district in which the de-

1        fendant resides or is found or has an agent, without  
2        respect to the amount in controversy, and

3            (2) shall recover threefold the damages sus-  
4        tained, and the cost of suit (including a reasonable  
5        attorney's fee).

6 The court may award under this section, pursuant to a  
7 motion by such person promptly made, simple interest on  
8 actual damages for the period beginning on the date of  
9 service of such person's pleading setting forth a claim  
10 under this Act and ending on the date of judgment, or  
11 for any shorter period therein, if the court finds that the  
12 award of such interest for such period is just in the cir-  
13 cumstance.

14        (d) PRIVATE INJUNCTIVE RELIEF.—Any person shall  
15 be entitled to sue for and have injunctive relief, in any  
16 court of the United States having jurisdiction over the  
17 parties, against threatened loss or damage by a violation  
18 of this Act, when and under the same conditions and prin-  
19 ciples as injunctive relief is available under section 16 of  
20 the Clayton Act (15 U.S.C. 26). In any action under this  
21 subsection in which the plaintiff substantially prevails, the  
22 court shall award the cost of suit, including a reasonable  
23 attorney's fee, to such plaintiff.

24        (e) JURISDICTION.—(1) Subject to paragraph (2),  
25 the courts of the United States shall have exclusive juris-

1 diction to make determinations with respect to a duty,  
2 claim, or right arising under this Act, other than deter-  
3 minations authorized to be made by the Attorney General  
4 under section 2(b)(2).

5 (2) The United States Court of Appeals for the Dis-  
6 trict of Columbia shall have exclusive jurisdiction to review  
7 determinations made under section 2(b)(2).

8 (3) No action commenced to assert or enforce a duty,  
9 claim, or right arising under this Act shall be stayed pend-  
10 ing any such determination by the Attorney General.

11 (f) SUBPOENAS.—In an action commenced under this  
12 Act, a subpoena requiring the attendance of a witness at  
13 a hearing or a trial may be served at any place within  
14 the United States.

15 (g) APPLICABILITY OF OTHER LAWS TO ENFORCE-  
16 MENT OF THIS ACT.—

17 (1) SECTION 5 OF THE CLAYTON ACT.—Section  
18 5 of the Clayton Act (15 U.S.C. 16) shall apply with  
19 respect to actions under this section brought by or  
20 on behalf of the United States.

21 (2) ANTITRUST CIVIL PROCESS ACT.—Section  
22 2(a) of the Antitrust Civil Process Act (15 U.S.C.  
23 1311(a)) is amended—

24 (A) in paragraph (1) by striking “and” at  
25 the end,

1 (B) in paragraph (2) by striking the period  
2 at the end and inserting “and”, and

3 (C) by adding at the end the following:

4 “(3) title I of the Antitrust Reform Act of  
5 1995.”.

6 **SEC. 7. DEFINITIONS.**

7 For purposes of this Act:

8 (1) **AFFILIATE.**—The term “affiliate” means a  
9 person that (directly or indirectly) owns or controls,  
10 is owned or controlled by, or is under common own-  
11 ership or control with, another person. For purposes  
12 of this paragraph, to own refers to owning an equity  
13 interest (or the equivalent thereof) of more than 50  
14 percent.

15 (2) **AFFILIATED ENTERPRISE.**—The term “af-  
16 filiated enterprise” has the meaning given it in the  
17 Modification of Final Judgment.

18 (3) **ALARM MONITORING SERVICE.**—The term  
19 “alarm monitoring service” means a service that  
20 uses a device located at a residence, place of busi-  
21 ness, or other fixed premises—

22 (A) to receive signals from other devices lo-  
23 cated at or about such premises regarding a  
24 possible threat at such premises to life, safety,

1 or property, from burglary, fire, vandalism,  
2 bodily injury, or other emergency, and

3 (B) to transmit a signal regarding such  
4 threat by means of transmission facilities of a  
5 Bell operating company or one of its affiliates  
6 to a remote monitoring center to alert a person  
7 at such center of the need to inform the cus-  
8 tomer or another person or police, fire, rescue,  
9 security, or public safety personnel of such  
10 threat,

11 but does not include a service that uses a medical  
12 monitoring device attached to an individual for the  
13 automatic surveillance of an ongoing medical condi-  
14 tion.

15 (4) ANTITRUST LAWS.—The term “antitrust  
16 laws” has the meaning given it in subsection (a) of  
17 the first section of the Clayton Act (15 U.S.C.  
18 12(a)), except that such term includes the Act of  
19 June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et  
20 seq.), commonly known as the Robinson Patman  
21 Act, and section 5 of the Federal Trade Commission  
22 Act (15 U.S.C. 45) to the extent that such section  
23 5 applies to unfair methods of competition.

24 (5) AUDIO PROGRAMMING.—The term “audio  
25 programming” means programming provided by, or

1 generally considered comparable to programming  
2 provided by, a radio broadcast station.

3 (6) BELL OPERATING COMPANY.—The term  
4 “Bell operating company” means—

5 (A) Bell Telephone Company of Nevada,  
6 Illinois Bell Telephone Company, Indiana Bell  
7 Telephone Company, Incorporated, Michigan  
8 Bell Telephone Company, New England Tele-  
9 phone and Telegraph Company, New Jersey  
10 Bell Telephone Company, New York Telephone  
11 Company, U S West Communications Com-  
12 pany, South Central Bell Telephone Company,  
13 Southern Bell Telephone and Telegraph Com-  
14 pany, Southwestern Bell Telephone Company,  
15 The Bell Telephone Company of Pennsylvania,  
16 The Chesapeake and Potomac Telephone Com-  
17 pany, The Chesapeake and Potomac Telephone  
18 Company of Maryland, The Chesapeake and  
19 Potomac Telephone Company of Virginia, The  
20 Chesapeake and Potomac Telephone Company  
21 of West Virginia, The Diamond State Tele-  
22 phone Company, The Ohio Bell Telephone  
23 Company, The Pacific Telephone and Telegraph  
24 Company, or Wisconsin Telephone Company,

1 (B) any successor or assign of any such  
2 company, or

3 (C) any affiliate of any person described in  
4 subparagraph (A) or (B).

5 (7) CABLE SYSTEM.—The term “cable system”  
6 has the meaning given such term in section 602(7)  
7 of the Communications Act of 1934 (47 U.S.C.  
8 522(7)).

9 (8) CARRIER.—The term “carrier” has the  
10 meaning given such term in section 3 of the Commu-  
11 nications Act of 1934 (47 U.S.C. 153).

12 (9) COMMERCIAL MOBILE SERVICES.—The term  
13 “commercial mobile services” has the meaning given  
14 such term in section 332(d) of the Communications  
15 Act of 1934 (47 U.S.C. 332(d)).

16 (10) CUSTOMER PREMISES EQUIPMENT.—The  
17 term “customer premises equipment” means equip-  
18 ment employed on the premises of a person (other  
19 than a carrier) to originate, route, or terminate tele-  
20 communications, and includes software integral to  
21 such equipment.

22 (11) EXCHANGE ACCESS.—The term “exchange  
23 access” means exchange services provided for the  
24 purpose of originating or terminating interexchange  
25 telecommunications.

1           (12) EXCHANGE AREA.—The term “exchange  
2           area” means a contiguous geographic area estab-  
3           lished by a Bell operating company such that no ex-  
4           change area includes points within more than 1 met-  
5           ropolitan statistical area, consolidated metropolitan  
6           statistical area, or State, except as expressly per-  
7           mitted under the Modification of Final Judgment  
8           before the date of the enactment of this Act.

9           (13) EXCHANGE SERVICE.—The term “ex-  
10          change service” means a telecommunications service  
11          provided within an exchange area.

12          (14) INFORMATION.—Except as provided in  
13          paragraph (18), the term “information” means  
14          knowledge or intelligence represented by any form of  
15          writing, signs, signals, pictures, sounds, or other  
16          symbols.

17          (15) INTEREXCHANGE TELECOMMUNI-  
18          CATIONS.—The term “interexchange telecommuni-  
19          cations” means telecommunications between a point  
20          located in an exchange area and a point located out-  
21          side such exchange area.

22          (16) MANUFACTURE.—The term “manufac-  
23          ture” has the meaning given such term under the  
24          Modification of Final Judgment.

1           (17) MODIFICATION OF FINAL JUDGMENT.—  
2           The term “Modification of Final Judgment” means  
3           the order entered August 24, 1982, in the antitrust  
4           action styled United States v. Western Electric, Civil  
5           Action No. 82-0192, in the United States District  
6           Court for the District of Columbia, and includes any  
7           judgment or order with respect to such action en-  
8           tered on or after August 24, 1982.

9           (18) OTHER PROGRAMMING SERVICES.—The  
10          term “other programming services” means informa-  
11          tion (other than audio programming or video pro-  
12          gramming) that the person who offers a video pro-  
13          gramming service makes available to all subscribers  
14          generally. For purposes of the preceding sentence,  
15          the terms “information” and “makes available to all  
16          subscribers generally” have the same meaning such  
17          terms have under section 602(13) of the Commu-  
18          nications Act of 1934 (47 U.S.C. 522(13)).

19          (19) PERSON.—The term “person” has the  
20          meaning given such term in subsection (a) of the  
21          first section of the Clayton Act (15 U.S.C. 12(a)).

22          (20) STATE.—The term “State” means any of  
23          the several States, the District of Columbia, the  
24          Commonwealth of Puerto Rico, the Commonwealth  
25          of the Northern Mariana Islands, the Federated

1 States of Micronesia, the Republic of the Marshall  
2 Islands, Palau, or any territory or possession of the  
3 United States.

4 (21) TELECOMMUNICATIONS.—The term “tele-  
5 communications” means the transmission of infor-  
6 mation between points by electromagnetic means.

7 (22) TELECOMMUNICATIONS EQUIPMENT.—The  
8 term “telecommunications equipment” means equip-  
9 ment, other than customer premises equipment, used  
10 by a carrier to provide a telecommunications service,  
11 and includes software integral to such equipment.

12 (23) TELECOMMUNICATIONS SERVICE.—The  
13 term “telecommunications service” means the offer-  
14 ing for hire of transmission facilities or of tele-  
15 communications by means of such facilities.

16 (24) TRANSMISSION FACILITIES.—The term  
17 “transmission facilities” means equipment (including  
18 wire, cable, microwave, satellite, and fiber-optics)  
19 that transmits information by electromagnetic means  
20 or that directly supports such transmission, but does  
21 not include customer premises equipment.

22 (25) VIDEO PROGRAMMING.—The term “video  
23 programming” has the meaning given such term in  
24 section 602(19) of the Communications Act of 1934  
25 (47 U.S.C. 522(19)).

1 **SEC. 8. RELATIONSHIP TO OTHER LAWS.**

2 (a) MODIFICATION OF FINAL JUDGMENT.—This Act  
3 shall supersede the Modification of Final Judgment, ex-  
4 cept that this Act shall not affect—

5 (1) section I of the Modification of Final Judg-  
6 ment, relating to AT&T reorganization,

7 (2) section II(A) (including appendix B) and  
8 II(B) of the Modification of Final Judgment, relat-  
9 ing to equal access and nondiscrimination,

10 (3) section IV(F) and IV(I) of the Modification  
11 of Final Judgment, with respect to the requirements  
12 included in the definitions of “exchange access” and  
13 “information access”,

14 (4) section VIII(B) of the Modification of Final  
15 Judgment, relating to printed advertising directories,

16 (5) section VIII(E) of the Modification of Final  
17 Judgment, relating to notice to customers of AT&T,

18 (6) section VIII(F) of the Modification of Final  
19 Judgment, relating to less than equal exchange ac-  
20 cess,

21 (7) section VIII(G) of the Modification of Final  
22 Judgment, relating to transfer of AT&T assets, in-  
23 cluding all exceptions granted thereunder before the  
24 date of the enactment of this Act, and

1 (8) with respect to the parts of the Modification  
2 of Final Judgment described in paragraphs (1)  
3 through (7)—

4 (A) section III of the Modification of Final  
5 Judgment, relating to applicability and effect,

6 (B) section IV of the Modification of Final  
7 Judgment, relating to definitions,

8 (C) section V of the Modification of Final  
9 Judgment, relating to compliance,

10 (D) section VI of the Modification of Final  
11 Judgment, relating to visitorial provisions,

12 (E) section VII of the Modification of  
13 Final Judgment, relating to retention of juris-  
14 diction, and

15 (F) section VIII(I) of the Modification of  
16 Final Judgment, relating to the court's sua  
17 sponte authority.

18 (b) ANTITRUST LAWS.—Except as provided in sec-  
19 tion 6(g), nothing in this Act shall be construed to modify,  
20 impair, or supersede the applicability of any of the anti-  
21 trust laws.

22 (c) FEDERAL, STATE, AND LOCAL LAW.—(1) Except  
23 as provided in paragraph (2), this Act shall not be con-  
24 strued to modify, impair, or supersede Federal, State, or  
25 local law unless expressly so provided in this Act.

1       (2) This Act shall supersede State and local law to  
2 the extent that such law would impair or prevent the oper-  
3 ation of this Act.

4       (d) CUMULATIVE PENALTY.—Any penalty imposed,  
5 or relief granted, under this Act shall be in addition to,  
6 and not in lieu of, any penalty or relief authorized by any  
7 other law to be imposed with respect to conduct described  
8 in this Act.

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