(1) IN GENERAL.—The amendments made by subsection (a) shall first apply with respect to work performed on or after January 1, 1990, by a justice or judge of the United States who has retired under section 371(b) of title 28, United States Code.

(2) CALENDAR YEAR 1990.—In the case of certifications required by section 371(f) of title 28, United States Code, for calendar year 1990—

(A) such certifications shall be based on the 10-month period beginning on January 1, 1990, and ending on October 31, 1990, and shall be completed not later than December 15, 1990;

(B) determinations of work performed under section 371(f) of title 28, United States Code, shall be made pro rata on the basis of such 10-month period; and

(C) such certifications shall be deemed to be certifications made in calendar year 1991.

TITLE X—RULEMAKING POWER OF THE CONGRESS.

SEC. 1001. RULEMAKING POWER OF THE CONGRESS.

The provisions of this Act that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

HUMPHREY (AND OTHERS) AMENDMENT NO. 1159

Mr. HUMPHREY (for himself, Mr. GRASSLEY, and Mr. PRESSLER) proposed an amendment to amendment No. 1158 proposed by Mr. MITCHELL (and Mr. DOLE) to the bill H.R. 3660, supra, as follows:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. The bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with rull recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority

---

HELMS (AND OTHERS) AMENDMENT NO. 1160

Mr. HELMS (for himself, Mr. GRASSLEY, Mr. SHELBY, Mr. NICKLES, and Mr. PRESSLER) proposed an amendment to amendment No. 1158 proposed by Mr. MITCHELL (and Mr. DOLE) to the bill H.R. 3660, supra, as follows:

On page 105, line 20, strike "'1979,'." and all that follows through page 106, line 13, and insert in lieu thereof: "'1980,'.".

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT

ADAMS (AND GORTON) AMENDMENT NO. 1161

(Ordered referred to the Committee on Commerce, Science, and Transportation)

Mr. ADAMS (for himself and Mr. GORTON) submitted an amendment intended to be proposed by them to the bill (S. 1022) to amend the Communications Act of 1934 to provide an authorization of appropriations for the Federal Communications Commission, and for other purposes, as follows:

At the end of the bill, add the following:

AMENDMENT TO COMMUNICATIONS ACT OF 1934

SEC. 11. The Communications Act of 1934 is amended by inserting immediately after section 613 the following new section:

"APPROVALS OF ASSIGNMENTS OR TRANSFERS OF NONWIRELINE CELLULAR LICENSES IN THE 10 LARGEST CITIES IN THE UNITED STATES

"SEC. 614. The Federal Communications Commission shall not approve the assignment of a nonwireline cellular license or the transfer of control of a nonwireline cellular licensee in one of the Nation's 10 largest cities to a wireline telephone service provider, or any subsidiary thereof, unless it finds, by clear and convincing evidence, that said assignment or transfer does not reduce competition in cellular services and is otherwise in the public interest, convenience, and necessity. In making that finding, the Commission shall consider the following factors:

"(1) whether the quality of service is likely to be adversely affected as a result of the proposed transaction;

"(2) whether the assignee/transferee has demonstrated that it has sufficient funding to finance the proposed transaction without adversely affecting, directly or indirectly, telephone ratepayers;

"(3) whether the proposed transaction will result in common ownership of cellular systems in the same service area;

"(4) whether the proposed transaction will effectively remove an independent competitive alternative to wireline cellular service provider; and

"(5) whether the transaction would decrease capital investment or competitive technological improvements in the cellular system, or both.".

GOVERNMENT ETHICS REFORM ACT

HELMS AMENDMENT NO. 1162

Mr. HELMS proposed an amendment to amendment No. 1158 proposed by Mr. MITCHELL (and Mr. DOLE) to the bill H.R. 3660, supra, as follows:

Strike all on page 157, line 19, through page 160, line 12.

MITCHELL (AND DOLE) AMENDMENT NO. 1163

Mr. MITCHELL (for himself and Mr. DOLE) proposed an amendment, which was subsequently modified, to the bill H.R. 3660, supra, as follows:

Strike all in the bill except sections 101(a), 102, 104(a), title III, section 406, and title V.

Section 101(a) is redesignated as section 801 and included in a title designated as follows:

"TITLE VIII—LIMITATIONS ON OUTSIDE EMPLOYMENT AND ELIMINATION OF HONORARIA.".

Section 102 is designated as section 802 in title VIII.

Section 104(a) is designated as section 803 of title VIII and in such section (1) strike "sections 101 and 102" and insert "this title", and (2) strike "303" and insert "903".

Title III is redesignated as title IX and sections 301, 302, 303, and 304 redesignated as sections 901, 902, 903, and 904, respectively, and the redesignated sections are amended—

(1) in section 901(k) of the bill in (A) section 351(n)(3)(B) of title 2, United States Code, by striking "304(a)(1) of the Government Ethics Reform Act of 1989" and inserting "904(a)(1) of the Ethics Reform Act of 1989", (B) in section 901(k) in section 351(n)(3)(C) by striking "302 and 303 of the Government Ethics Reform Act of 1989" and inserting "902 and 903 of the Ethics Reform Act of 1989"; and

(2) in section 904(a)(2) (A) and (B) of the bill in the cited sections by striking "304(a)(1) of the Government Ethics Reform Act of 1989" and inserting "9049(a)(1) of the Ethics Reform Act of 1989".

Section 406 is redesignated as section 905 of title IX.

Title V is redesignated as title VI and sections 501 through 505 are redesignated as sections 601 through 605, respectively.

Insert at the beginning of the bill the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethics Reform Act of 1989".

TITLE I—POST EMPLOYMENT RESTRICTIONS ON THE EXECUTIVE AND LEGISLATIVE BRANCHES

SEC. 101. RESTRICTIONS ON POSTEMPLOYMENT ACTIVITIES.

(a) RESTRICTIONS.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

"(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

"(1) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS.—Any person who is an officer or employee of the executive branch of the United States Government (including any independent agency of the United States and any special Govern-