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Citation: 3 Bernard D. Reams Jr. & William H. Manz Federal Law A Legislative History of the Telecommunications of 1996 Pub. L. No. 104-104 110 Stat. 56 1996 the Communications Decency Act H8481 1997

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□ 1213

COMMUNICATIONS ACT OF 1995

The Committee resumed its sitting.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1215

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Markey-Klink-Montgomery amendment. This amendment blocks national networks from owning local TV stations to control 50 percent of all the viewing audience. This would be a terrible thing, Mr. Chairman, to let ABC, Disney, NBC, CBS, Fox, own more local TV stations.

The ABC affiliate in my hometown is privately owned. When violent programs are produced, the manager of this station will not show those violent programs. If this was a network-owned station, those programs would be shown.

Let us face it, Mr. Chairman: Companies like ABC, they have no respect for Members of Congress. Now, if you want the big networks in New York City to own your local station and beat up on Members of Congress, then you ought to vote against us. But if you want TV stations to stay in private ownership, then we ask for an "aye" vote on the Markey-Klink-Montgomery amendment.

Mr. FIELDS of Texas. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FRISA].

Mr. FRISA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this amendment, because, curiously, and we have not heard this yet, there is a special carve-out for those wonderful, warm, local hometown newspapers such as the Washington Post. The sponsor of the amendment did not tell us there is a special provision allowing the Washington Post to have cross-ownership. Also that other wonderful local hometown newspaper, that warm and fuzzy New York Times, gets a special carve-out in this amendment. We did not hear that from the sponsor of this measure as well.

This amendment is disingenuous. Localism will be dictated by the marketplace. A business entity will not be successful unless it appeals to each local market, to the folks next door. This amendment should be defeated because it does not tell it like it is, and I think it is high time the Government got out of the business of shackling the hands of competition.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Markey amendment which would preserve cross-ownership restrictions on cable and broadcast television in local markets, as well as limit the percentage of viewers to which one media company could have access nationwide.

There's a single phrase that defines the unique character of American society and democracy. It's a phrase that we learn as children and carry with us every day, yet seldom pause to reflect upon: "E Pluribus Unum," or "Out of Many, One."

This phrase helps explain why the Markey amendment is so important.

It reminds us that America is not monolithic. We are a nation that draws its strength from diversity, that prides itself on pluralism, that relishes the free flow of ideas.

From the earliest days of the days of this country's existence, America has been a calliope of different voices, opinions, and convictions. We've revelled in our pluralism, encouraged robust debate, and fostered an aggressive national press to facilitate free speech.

Public debate is not necessarily convenient for governing, but it's essential for democracy. It allows us to consider all sides of an issue, make sound decisions, and move ahead as one nation with firmness and resolve.

"E Pluribus Unum." It's a promise that all points of view will be aired—a sign that democracy is alive and well in the United States.

The Markey amendment will ensure that many voices will continue to be heard in this Nation, that no one will be granted a monopoly on espousing ideas in our communities, that we will continue our proud tradition of vigorous public debate.

In short, the Markey amendment will help preserve the diversity of opinion that is so vital to American democracy.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. FIELDS of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the Markey amendment.

Mr. Chairman, the proponents of the Markey amendment continue to claim that the broadcast provisions of H.R. 1555 threaten diversity and localism, and will lead to an undue concentration of media power in the hands of a few corporations. These charges are simply untrue and unfounded.

H.R. 1555 simply allows one entity to compete in markets that reach up to 50 percent of all the viewers in the country. And in those markets they will be competing with other network-owned or affiliated stations, several independent television stations, up to 100 cable networks, direct broadcast satellites, and the telephone company's video platform.

That sounds like competition and diversity to me.

The contention that H.R. 1555 will harm localism is even more egregious. If that were true, localism would be at risk today. Seventy-five percent of the stations in the country are group owned. And more than 90 percent of those are owned by groups headquarted in cities other than where their stations are located.

Station managers provide local news and information programming because it affects their bottom line. The four major networks own and operate stations in New York City. Yet they are fiercely competitive in the area of local news, information and sports programming. The same is true across the country—no matter who owns the station. Because if they want to keep owning the station, they must provide quality local programming. Why? Because that is what the viewer demands.

Finally, despite the rhetoric you have heard today H.R. 1555 will not set the stage for one giant conglomerate to control all of the mass media outlets in a single market. The bill specifically bars the FCC from approving any acquisition that would result in fewer than three independent media voices in a market. I urge my colleagues to reject the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, this is one area in which we do not need to argue about what would happen if we did not adopt the Markey amendment and left the bill as it is, because there was a time only about 25 years ago when that was the situation in America. What happened? There were not any rules, and we saw these enormous conglomerations of ownership of media arise all over the country.

The rules that the bill is trying to change were rules that came out of the early 1970's, under the Nixon-Ford administration. These were not some wild-eyed liberal scheme. They were designed to deal with the fact, and particularly the fact that in Atlanta, GA, one company owned every single type of news media.

I think it is astonishing that we Democrats complain about the way in which the national media ownership fosters violence on television, and you Republicans talk about how the liberal media is nothing but trouble, yet all at the same time both sides are busy trying to give the same guys that own all of these stations more and more power to own more and more and control more and more.

For goodness' sake, either we are both being hypocrites with our complaints, or else we should not be in favor of this bill unless it is amended. Vote for the Markey amendment and stick up for localism.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I have to tell you that I think my colleague from Massachusetts has got half of this amendment right, and that if you look, we understood as a country there was a problem when oil companies controlled

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the oil fields and the refineries and the gas stations. That created a monopoly situation.

You have the same kind of potential, frankly, under the language under the bill itself, if you own TV production facilities, the network to distribute it, and, finally, the stations to broadcast it. I think the gentleman from Massachusetts [Mr. MARKEY] is correct, and we would be much better off with a provision in the bill that says 25 percent, not 50 percent, when it comes to station ownership.

But I have to tell you I think my colleagues has gone off the deep end in this bizarre firewall between cable TV stations and broadcast facilities. You can own a newspaper and a TV station presently, as the Milwaukee Journal and the Washington Post do; you can own a magazine and a TV station, as Post-Newsweek does; or you can own a radio station. In fact, you can own several radio stations in the same community and a television station. You can own a billboard company, a shopping magazine. You can own anything in the world except a cable television operation.

Cable is not evil. We should allow cable to compete. I urge the rejection of the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, for 7 months now, I have tried to be guided in this House by my belief that to complete the transition in this country that we needed to go through, we needed to strengthen the community. That we needed to rely on communities to step up and to become individually responsible for some of the problems that we have in this country.

In fact, as this bill is currently written, I believe that we threaten community values, that it undermines localism and the diversity in the local television markets. In fact, we do need to change the 25-percent law that currently stands on the book for ownership of network TV. But in fact, as it stands in this bill, Mr. Chairman, it will significantly reduce the availability of local programming in my district.

In my district alone, things that might be affected would include the Billy Graham Special, where networks may not see that as a replacement for their prime time viewers; or maybe the tribute to the late Jim Valvano, the great basketball coach from North Carolina State; and a tradition in the South, Christmas parades, local parades, not the Macy's Parade in New York; telethons, that have become a tremendous impetus behind the fundraisers for the United Negro College Fund; or started in Raleigh, NC, a program called Coats for Kids a telethon which raised $60,000 its first year; and the greatest love in the south, ACC basketball. Heaven forbid that would be banned because the national networks said you cannot preempt our programming.

While my colleagues on the other side of the aisle and I disagree, and we may argue about network ownership, the fact is we have to provide local programming. Vote to increase local ownership, but do not kill network programming. Vote for the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Chairman, I rise in support of the Markey amendment.

Mr. Chairman, I rise in support of the Markey-Shays amendment to retain regulation of cable rates until cable systems face actual competition.

Following defeat of the Conyers amendment to ward off concentration of competition-stifling economic power in the marketplace, the point we have reached in consideration of this legislation is very similar to where we were with airline deregulation in 1978. In the rush to deregulate aviation, Congress and the administration kept the Justice Department on the sidelines, in an advisory capacity to the Department of Transportation on antitrust and monopoly issues arising out of proposed airline mergers and acquisitions.

The result of this bifurcation of authority—the Justice Department making recommendations, but the DOT making the final decisions on antitrust matters—was that virtually no antitrust action was taken by either Department to sustain competition by preventing monopoly-producing mergers and acquisitions. Within 5 years of passage of the Airline Deregulation Act, there were 22 new entrants into air carrier competition; but, within 10 years, only 1 of those new competitors remained—all the others were either swallowed up by the major carriers, driven into bankruptcy, or reduced to a minor regional carrier status.

In the consideration of legislation to chart the future of the multibillion dollar telecommunications sector, we should learn the lessons of the past. We should not allow in this legislation the same opportunities for concentration of cable TV market power, rate gouging, and the potential for control of all news media in selected markets as we allowed for the airline industry to swallow up competition and create fortress hubs with such great economic power that they can deny market entry to any new potential competitor.

The Communications Act of 1934 clearly has been surpassed by both events and technology and needs to be updated. While technology has changed with astonishing rapidity, human nature has not changed. The 1934 act was more about constraining human avarice and the tendency of power to corrupt than it was about regulating technology.

We need to keep America on the cutting edge of technology; we need to assure that all regions of this country, small, rural communities, as well as major urban centers, can be connected to the entire world through fiber optic cable—the whole paraphernalia of cyberspace—so that anyone can set up business in a community as small as my hometown of Chisholm, MN, and have full access to the worldwide communications network.

The key to realizing that goal is to assure access for all people at affordable prices—and that means protection against the evils of monopolistic control of economic power in the marketplace, the central principle of the 1934 *Communications Act*.

The underlying principle of communications law has always been to assure universal access, diversity of technology, and local options. This bill, absent the Conyers amendment and the Markey-Shays amendment, will not have enough regulatory power to prevent either the long-distance companies, or the regional Bells from dominating markets in both the broadcast and cable media. This bill opens the way to rapid and massive media market domination by a few economic powerhouses who will quickly gain control of cross-media mergers.

I have great fear that, just as commercial aviation in the deregulation era has bypassed small communities, denying them even essential air service, the same small communities will be bypassed in the communications field, denied adequate universal service, or have to pay exorbitant fees for such service and, in fact, be isolated. Although the bill does include some exemptions for small phone and cable companies from competitive requirements. They are hardly sufficient to protect small rural communities from monopolistic practices. I have heard the appeals of small radio and cable TV stations, expressing the fear that they'll either be bought out or swamped by the competition and I concur with them.

Telecommunications technology is becoming one of the cornerstones of freedom of speech in our society. The information and access to the marketplace of ideas provided by telecommunications and the ability through it to conduct business, to enjoy entertainment anywhere, however remote in this country, is so crucial to a free society that, if we are going to tinker with the Communications Act, then we ought to do it right, rather than live to see monopolies dominate the marketplace of communication and regret today's legislative action.

My conclusion, Mr. Chairman, is that, absent the protections of the Conyers and Markey amendments, the effect of this bill will be monopolistic consolidation of economic power and technological control of the future of telecommunications, producing the

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very antithesis of a free and open society.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I rise in strong support of the Markey amendment. In this bill, we have to be very, very careful, that while we open up competition on one hand, we do not shut down voices on the other hand. We all know that in America the people are supposed to be the ones who own the airwaves. But the faster we rush into this telecommunication age, the more we increase the chances that a few wealthy people will control everything that we read, that we hear, that we see, and that indeed is dangerous.

We have laws in this country that say no one person or company can own media outlets that reach more than 25 percent of the American public. We passed that law to promote the free exchange of ideas so no one person could monopolize the airwaves.

But the telecommunication bill as it is currently written changes all that. This bill would literally allow one person to own media outlets that reach 50 percent of the American households. Under this bill, one media mogul could control TV news stories, newspaper headlines, radio ads, cable systems, TV shows, and the information that reaches half of the American households. That is dangerous and it contradicts the very democratic principles that this Nation is based on. The gentleman from Massachusetts [Mr. MARKEY] has proposed an amendment that would set that ownership limit at 35 percent. It is a good amendment. I wish it would have gone farther, but this is the best that we could possibly get in this debate, and I hope it is successful.

I would have liked to have seen it address broader questions, who controls our radios, newspapers, networks, and the who controls the information that controls the lives of American citizens. But this is an important amendment. It improves the bill, it improves access to the American public, and I encourage my colleagues to vote for the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Chairman, I want to commend the distinguished gentleman from Florida for the cooperation and the concessions which he extended to me and express my good wishes to him. Those changes are good, because they deal with concentration at the local level.

That problem, however, is not addressed in the bill itself now with regard to the national level. The question here is are we are going to have real diversity of expression on air waves that are owned by the public and whose operation is licensed in the public interest by the FCC? With the Markey amendment, that will happen. Without the Markey amendment, that will not happen.

It is important that we see to it that the marketplace of ideas in this country is as broad and diverse as we can make it, and that all persons have access to it. Without that principle being applied, our government is weakened and hurt, and the public debate on great national issues and discussion of matters of concern to this people are hurt.

I would urge my colleagues to vote for the Markey amendment. I would say that that is the best way that we can keep in place the diversity of view which is so important in consideration of important national issues.

Mr. BLILEY. Mr. Chairman, to close debate, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

The CHAIRMAN. The gentleman from Texas is recognized for 6½ minutes.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, I was given the charge by our Speaker and the chairman of the full committee to move our country relative to telecommunication policy into the 21st century, not to crawl back into the 1950's. These rules were written when I was 2 years old, when President Eisenhower was President, and many Americans did not even own a television set.

□ 1230

ABC, NBC, CBS were the only viewing options. There was no CNN, no HBO, no ESPN. Individual American citizens were not even allowed to own satellite dishes without government authorization.

That was real media concentration. Today's media world is fiercely competitive. Viewers have never had more choices with 100 cable networks, direct broadcast satellites, a fourth network and the beginnings of a fifth and a sixth network. H.R. 1555 unleashes the local telephone companies with combined revenues exceeding $100 billion annually to compete in the television video business.

The rules that were appropriate when black and white television sets were the state-of-the-art technology are not appropriate today. The Committee on Commerce dusted off the 40-year-old broadcast ownership rules. We reviewed them. We revised them to fit today's highly competitive telecommunications world. With the few minutes that I have, I want to debunk some of the myths that have been brought to this floor today.

Myth No. 1, that H.R. 1555 will allow only one entity to own every media outlet in a community. The fact is antitrust laws prohibit concentration of ownership in any business sector, including telecommunications In fact, our bill goes further. H.R. 1555 flatly prohibits acquisitions which result in fewer than three independent media voices in a market.

You should not be fooled by this particular amendment. This amendment does not address radio cross-ownership, newspaper ownership, or ownership of multiple local television stations in one market. This amendment does prohibit, under any circumstances, the ownership of a cable system and a TV station in the same market. That is it, plain and simple. H.R. 1555 prevents concentration or loss of diversity while this amendment addresses only one particular ownership combination.

Myth No. 2: H.R. 1555 would allow one entity to buy 50 percent of the television stations in the United States.

There are approximately 1,500 television stations in our country. Under our bill, a broadcaster would reach the station ownership cap upon buying only one station in each of the top 30 television markets. That is 30 television stations out of 1,500 nationwide. And there is a difference between audience reach and actual market share. You can, under our amendment, touch 50 percent of the population, but you do not necessarily have 50 percent of that audience share.

Myth No. 3: H.R. 1555 will harm localism.

Let me use my own personal example. In Houston, TX, the NBC affiliate is owned by Post-Newsweek, who by the way is supporting the Markey amendment, a small mom and pop operation. The ABC affiliate is owned by Cap Cities; the CBS, by the Belo Corp. out of Dallas. We have a Fox station and we have a Viacom station.

Our localism has gone up because you have those broadcasters competing for viewers to protect their investment. The only way they can protect their investment and attract advertisers is to have audience share. They get that by having good localism. So to think localism is not enhanced when you have openness and have free markets is absolutely wrong.

Broadcasters have the ability to provide local news and other local programming as a major advantage over national delivered cable and satellite services.

This particular amendment is a sweetheart deal. When you really bear down and you look at what is happening, you have got people who want to limit the participants in the acquisition market. When you look at who is sending around these letters, McGraw-Hill, a small mom and pop operation, AFLAC Broadcast Group, that major insurance conglomerate out of Georgia, Post-Newsweek, Pulitzer Broadcasting.

What is this amendment really all about? It is about limiting the participants in the acquisition market. It is not about localism. By the way, there is a benefit to the Washington Post, the New York Times, the Boston Globe, the Atlanta Constitution, because

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under the Markey amendment those newspapers can continue to add to their media ownership, their broadcast station ownership. That is not addressed in this particular amendment.

Do not be fooled into thinking that this amendment helps struggling mom and pop operations. It does not. The Speaker has given us the charge to push the deregulatory envelope, to move this country into the 21st century, not crawl back into the 1950's. We need to recognize that technology has changed. There are new combinations. There is a need for economy of scale. This amendment needs to be defeated.

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the broadcast amendment offered by my colleague, Mr. MARKEY of Massachusetts. A lot of hard work and many long hours have been spend providing a delicate balance to all the competing interests in the communication's field. This has not been an easy task. With legislation as encompassing as this, it would be next to impossible to totally please everyone involved. I commend Chairman BLILEY, Chairman FIELDS, ranking members DINGELL and MARKEY on fashioning a bill that guarantees that the American telecommunications industry remains the most open, competitive, and innovative in the world.

Increasing the national ownership cap to 35 percent, which I support, is a 10-percent increase in what is currently allowed under the law. The bill that we are considering would begin with the 35 percent cap, but then would expand this cap to 50 percent in the second year. I fear that this increase would be detrimental to our local stations and the idea of local control.

If local stations do not have the freedom to select programs other than those provided by their network owners, this could result in too much concentration on network control of the distribution system, which I fear would result in network bullying of small affiliates. Additionally, it would be difficult for new networks—or new national competitors—to develop. We must preserve the right of our local television stations to choose their programming, and I urge my colleagues to support this amendment.

Mr. DINGELL. Mr. Chairman, I rise in support of the Markey amendment. As I noted earlier in this debate, this amendment is necessary to correct a deficiency in this bill.

The Markey amendment amends the Stearns' amendment that was adopted by the committee. While Mr. STEARNS was unwilling to compromise on the language of his amendment that repealed the national ownership and cross ownership limitations, we did reach an agreement on the issue of local concentration. That agreement, which is now incorporated in the bill before us, guarantees that there will never be fewer than two independent media voices in even the smallest markets in the country. It further permits the FCC to deny license assignments, transfers or renewals if the Commission determines that the granting of the assignment, transfer or renewal would in combination with a non-broadcast media, result in an undue concentration of media voices in the local market. This is good law, and I would like to commend the gentleman from Florida for his willingness to work with me on this.

But while there are safeguards at the local level, H.R. 1555 goes overboard with respect to national limits and cross-media restrictions. The Markey amendment will permit the type of expansion that I think we all agree the networks need. But is does so in a manner that will preserve the local decision-making about programming decisions that has served our Nation well.

The Markey amendment also retains the broadcast/cable cross ownership prohibition. This provision is necessary because it ensures that if the "Must Carry" provisions of the 1992 Cable Act are struck down by the courts, cable operators aren't in a position to purchase local broadcast stations and then deny carriage to the other broadcasters in a community. It is a provision that is important to our local broadcasters, and important to preserve the public's access to diverse sources of information.

Mr. Speaker, I know there are many Members who want to speak in a limited period of time. I urge the adoption of the amendment and yield back the balance of my time.

Mr. MFUME. Mr. Chairman, I rise in support of the Markey amendment. I thank the distinguished gentleman from Massachusetts for offering this amendment which would correct the provision within H.R. 1555 that increases TV broadcast ownership.

As you know, this amendment would limit to 35 percent the percentage of households nationwide that may be reached by TV stations owned by a single network. It also restores the cross-ownership limit which prohibits owners of local TV stations from owning a cable system in the same local market.

However, I still have concerns about the problems facing radio ownership limits. H.R. 1555 would eliminate current FCC rules that limit national ownership of radio stations to 40 stations (20 AM and 20 FM) and which limits local ownership of radio stations to four (2 AM and 2 FM).

All broadcast ownership limitations were instituted to ensure that the public does not receive its news and editorial programming from a select group that controls the Nation's airwaves.

Rather, the present allocation scheme has allowed a diverse set of broadcast owners in each market and has fostered an assortment of news, public affairs and editorial programming.

I fear that the elimination and relaxing of local ownership limits has the potential of deterring future minority participation.

Currently, African-Americans own only 178 of the approximately 10,000 commercial radio stations operating in the country.

The overall effect of this bill is to squeeze minorities, who usually own only one or two small stations, out of the industry.

Repeal of ownership limitations will certainly make it more difficult for small and medium sized firms to grow.

Consolidation will make it very difficult for prospective owners, particularly African-Americans, Hispanics, and Asians, to enter the industry.

This bill unfairly benefits the large broadcast owners at the expense of the smaller companies.

H.R. 1555 will allow media to consolidate in the hands of a few large companies creating an unhealthy concentration of power.

While many argue that deregulation is the best means to bring forth competition, in this case, deregulation would actually decrease competition.

While I would like to have seen current radio broadcast ownership limitations reinstated, I do, however, lend full support to the Markey amendment which would restore some of the limitations eliminated by this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 195, not voting 11, as follows:

[Roll No. 632]

AYES—228

| | | |
|---|---|---|
| Abercrombie | Ford | Menendez |
| Baesler | Fowler | Meyers |
| Baldacci | Frank (MA) | Mfume |
| Ballenger | Franks (NJ) | Miller (CA) |
| Barcia | Funderburk | Mineta |
| Barrett (WI) | Furse | Minge |
| Becerra | Gejdenson | Mink |
| Bellenson | Gephardt | Mollohan |
| Bentsen | Geren | Montgomery |
| Bereuter | Gibbons | Moran |
| Berman | Gonzales | Morella |
| Bevill | Gordon | Myers |
| Bishop | Graham | Myrick |
| Blute | Green | Neal |
| Boehlert | Gutierrez | Norwood |
| Bonior | Hall (OH) | Oberstar |
| Bono | Hall (TX) | Obey |
| Borski | Hamilton | Olver |
| Boucher | Hastings (FL) | Orton |
| Brewster | Hayworth | Owens |
| Browder | Hefner | Parker |
| Brown (CA) | Heineman | Pastor |
| Brown (FL) | Hilliard | Payne (NJ) |
| Brownback | Hinchey | Payne (VA) |
| Bryant (TX) | Hobson | Pelosi |
| Bunn | Hoke | Peterson (FL) |
| Burr | Holden | Peterson (MN) |
| Camp | Horn | Petri |
| Chambliss | Hostettler | Pickett |
| Chapman | Inglis | Pomeroy |
| Chenoweth | Jackson-Lee | Quillen |
| Clay | Jacobs | Rahall |
| Clayton | Jefferson | Ramstad |
| Clement | Johnson (CT) | Rangel |
| Clyburn | Johnson (SD) | Reed |
| Coble | Johnston | Regula |
| Coleman | Jones | Richardson |
| Collins (GA) | Kanjorski | Rivers |
| Collins (IL) | Kaptur | Roberts |
| Collins (MI) | Kennedy (MA) | Roemer |
| Conyers | Kennelly | Rogers |
| Costello | Kildee | Rose |
| Coyne | Kingston | Roukema |
| Cramer | Kleczka | Roybal-Allard |
| Crapo | Klink | Rush |
| Cunningham | LaFalce | Sabo |
| Davis | Lantos | Salmon |
| de la Garza | Leach | Sanders |
| DeFazio | Levin | Sawyer |
| DeLauro | Lewis (GA) | Schiff |
| Dellums | Lewis (KY) | Schroeder |
| Dingell | Lincoln | Scott |
| Dixon | Lipinski | Shaw |
| Doggett | Lofgren | Sisisky |
| Doyle | Longley | Skaggs |
| Duncan | Luther | Skelton |
| Durbin | Markey | Slaughter |
| Edwards | Martinez | Smith (NJ) |
| Ehlers | Martini | Solomon |
| Ensign | Mascara | Spratt |
| Eshoo | Matsui | Stark |
| Evans | McCarthy | Stenholm |
| Everett | McDermott | Stokes |
| Farr | McHale | Studds |
| Fattah | McHugh | Stupak |
| Fields (LA) | McKinney | Tanner |
| Filner | McNulty | Taylor (MS) |
| Flake | Meehan | Tejeda |
| Foglietta | Meek | Thompson |

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| | | |
|---|---|---|
| Thornton | Vento | Wilson |
| Torkildsen | Visclosky | Wise |
| Torres | Waters | Wolf |
| Torricelli | Watt (NC) | Woolsey |
| Traficant | Waxman | Wyden |
| Tucker | Whitfield | Wynn |
| Velazquez | Wicker | Yates |

NOES—195

| | | |
|---|---|---|
| Ackerman | Frisa | Moorhead |
| Allard | Frost | Murtha |
| Archer | Gallegly | Nadler |
| Armey | Ganske | Nethercutt |
| Bachus | Gilchrest | Neumann |
| Baker (CA) | Gillmor | Ney |
| Baker (LA) | Gilman | Nussle |
| Barr | Goodlatte | Oxley |
| Barrett (NE) | Goodling | Packard |
| Bartlett | Goss | Pallone |
| Barton | Greenwood | Paxon |
| Bass | Gunderson | Pombo |
| Bilbray | Gutknecht | Porter |
| Billirakis | Hancock | Portman |
| Billey | Hansen | Poshard |
| Boehner | Harman | Pryce |
| Bonilla | Hastert | Quinn |
| Brown (OH) | Hastings (WA) | Radanovich |
| Bryant (TN) | Hayes | Riggs |
| Bunning | Hefley | Rohrabacher |
| Burton | Herger | Ros-Lehtinen |
| Buyer | Hilleary | Roth |
| Callahan | Hoekstra | Royce |
| Calvert | Houghton | Sanford |
| Canady | Hoyer | Saxton |
| Cardin | Hunter | Schaefer |
| Castle | Hutchinson | Schumer |
| Chabot | Hyde | Seastrand |
| Christensen | Istook | Sensenbrenner |
| Chrysler | Johnson, E. B. | Serrano |
| Clinger | Johnson, Sam | Shadegg |
| Coburn | Kanjorski | Shays |
| Combest | Kelly | Shuster |
| Condit | Kennedy (RI) | Skeen |
| Cooley | Kim | Smith (MI) |
| Cox | King | Smith (TX) |
| Crane | Kingston | Smith (WA) |
| Cremeans | Knollenberg | Souder |
| Cubin | Kolbe | Spence |
| Danner | LaHood | Stearns |
| Deal | Largent | Stockman |
| DeLay | Latham | Stump |
| Deutsch | LaTourette | Talent |
| Diaz-Balart | Laughlin | Tate |
| Dickey | Lazio | Tauzin |
| Dicks | Lewis (CA) | Taylor (NC) |
| Dooley | Lightfoot | Thomas |
| Doolittle | Linder | Thornberry |
| Dornan | Livingston | Tiahrt |
| Dreier | LoBiondo | Towns |
| Dunn | Lowey | Upton |
| Ehrlich | Lucas | Vucanovich |
| Emerson | Maloney | Waldholtz |
| Engel | Manton | Walker |
| English | Manzullo | Walsh |
| Ewing | McCollum | Wamp |
| Fawell | McCrery | Ward |
| Fazio | McDade | Watts (OK) |
| Fields (TX) | McInnis | Weldon (FL) |
| Flanagan | McIntosh | Weldon (PA) |
| Foley | McKeon | Weller |
| Forbes | Metcalf | White |
| Fox | Mica | Young (FL) |
| Franks (CT) | Miller (FL) | Zeliff |
| Frelinghuysen | Molinari | Zimmer |

NOT VOTING—11

| | | |
|---|---|---|
| Andrews | Ortiz | Volkmer |
| Bateman | Reynolds | Williams |
| Gekas | Scarborough | Young (AK) |
| Moakley | Thurman | |

□ 1256

The Clerk announced the following pair:

On this vote:

Mr. Andrews for, with Mr. Scarborough against.

Ms. DANNER changed her vote from "aye" to "no."

Messrs. DAVIS, FOGLIETTA, and PARKER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, earlier today during consideration of H.R. 1555, Communications Act of 1995, I missed rollcall vote No. 632. Had I been present, I would have voted "aye."

AMENDMENT NO. 3-6 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life than children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

"(v) Prescribe—

"(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

"(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.".

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).".

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

"(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

"(A) enables parents to block programming based on identifying programs without ratings,

"(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

"(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

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the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.".

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking "section 303(s), and section 303(u)" and inserting in lieu thereof "and sections 303(s), 303(u), and 303(w)".

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

Does the gentleman from Virginia [Mr. BLILEY] rise in opposition?

Mr. BLILEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

□ 1300

Mr. Chairman, this is not a debate over how many more hundreds of thousands of miles of fiberoptic may be laid or how many gigabits of additional computer power may be established. All that is find and well, but you cannot measure a nation, you cannot measure a people, by how many gigabits or feet of fiberoptic they have as a country.

You measure a country by its values. You measure a country by who those people are, and that is what this debate is going to be all about, and why the gentleman from Virginia [Mr. MORAN], the gentleman from Indiana [Mr. BURTON], the gentleman from South Carolina [Mr. SPRATT], and I and many others have been working so hard on this issue over the last month.

Mr. Chairman, this amendment will give every parent in the United States a violence chip in their television set, so that they will be able to block out excessively violent and sexually explicit programming that they believe is inappropriate for their 2-year-old, 3-year-old, 4-year-old, 6-year-old, 8-year-old and adolescent children.

All of the ratings will be done voluntarily by the broadcasters. There is no mandate. There is no enforcement mechanism. There is absolutely no connective tissue between this bill and any first amendment violation. The only objective we have is to give power to parents in their own living rooms, not "big brother" in New York City, programming hundreds of television programs a week, but "big mother" and "big father" in every living room, protecting their own children every day of the week.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. PAXON], a member of the committee.

Mr. PAXON. Mr. Chairman, I rise in strong opposition to the Markey mandate amendment and in support of the Coburn-Tauzin substitute. If adopted, the Markey amendment would quickly become known as the Full Employment Act for Government Bureaucrats. If the Markey mandate prevails—a huge new Government Office of Television Ratings may soon be established—because a mandated V-chip just doesn't work without a rating system.

It would require thousands of bureaucrats, costing hundreds of millions of dollars, to view and rate the 10,000 individual shows on 2,000 stations, encompassing 150,000 hours of local and national broadcast programming. Of course, the ratings would be subjective. What is rated as offensive would be decided by Government censors based on their personal interpretation.

The end result, giving the Federal Government unprecedented power to establish standards of morality and decency in the media, unbridled power to the very government many Americans believe has already contributed greatly to the breakdown of values in our land.

My colleagues, I'm certain we are all in agreement, the televised violence and sexual content that daily bombards our homes is harmful to children and society. However, tonight's discussion is not about agreeing on the problem but agreeing on the methods for solving it.

The sound-bite solution suggested by the President—the mandated V-chip—sounds innocuous enough. But, on inspection, it is simply another big-government band-aid that does nothing to address the underlying problem.

First, as we discussed, the Markey chip mandate cannot work without a bureaucratically driven, Government-mandated rating system.

Second, the V-chip will only be installed on new TV's, meaning widespread usage won't be in place until well into the 21st century. So much for fast action to combat televised violence and sexual explicitness.

Third, approval of a V-chip means Congress has chosen one narrow piece of technology over all other parental blocking options. That means the scores of other technologically driven, parental controlled blocking devices now under development may fall by the wayside, further limiting choice and immediate use by families.

There is good news, however, for parents who want help today to control television, and who don't want a more intrusive, big-government involvement in their families. Here's a list of 160 of the 220 currently available TV models, each with parental control features.

In addition there are scores of blocking units under development, many ready to go into production within months, that will economically allow parents to blank out channels, time slots, or individual programs.

It is anticipated that very shortly, these units will move to the next generation using card or diskette readers so families can subscribe to ratings services and easily censor their kids programming.

Then every non-government group that desires can issue their own ratings, maybe the Christian Coalition, or United We Stand, or the ACLU—whomever.

All this well before the Markey mandated V-chip makes its way into a single living room. And, in the case you want an even faster, easier and cheaper way to control kids access to TV, here it is, a $19.95 lockout device. All of these products are relatively new to the marketplace developed in response to growing demands from parents.

Unfortunately, many of these private sector solutions are jeopardized by the one-size-fit-all, Markey mandate. There is another choice. The Coburn-Tauzin substitute would not pick a technology winner but would be the quickest way to get better, more parent friendly blocking devices to market.

Our approach would call on the industry to: First, establish a fund to allow entrepreneurs to develop units to let parents block inappropriate programming, and second, report to the public on the status of these technologies and new improvements.

On the first front, that fund has recently been established and already totals over $2 million. These funds will be used for production, advertising and market research to get blocking products into parents hands.

Third, our substitute requires the GAO to report to Congress on new technologies for blocking, whether they are parent friendly, and the relative availability to the public, and fourth, finally, our substitute strikes the mandate and bureaucracy features of Markey.

My colleagues, tonight the choice is clear. It's Coburn-Tauzin to keep decisions in the hands of parents not government. Or, it's the Markey Mandate Bill which gives a huge new government bureaucracy more power than

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ever to inflict their Beltway values on the rest of America.

Vote "yes" on Coburn-Tauzin and "no" on the Markey Mandate.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARKEY. Mr. Chairman, I would like to know if, under the rules, it is permissible for me to yield 7½ minutes to the gentleman from Indiana [Mr. BURTON] and then allow him to disburse that time as he sees fit.

The CHAIRMAN. The gentleman may yield the time by unanimous consent and the gentleman from Indiana may yield from that time.

Mr. MARKEY. Then, Mr. Chairman, I ask unanimous consent that the gentleman from Indiana be yielded 7½ minutes, and that he be given control of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] is recognized for 7½ minutes.

Mr. BURTON of Indiana. I yield myself 2¼ minutes.

Mr. Chairman, let me just say that this amendment is not just the Markey amendment. It is the Markey-Burton-Wolf-Hunter amendment and a lot of other Republican's amendments. It crosses party lines.

Mr. Chairman, the reason I asked that this be left up here is because what my predecessor at this microphone just said is true, these models will allow parents to block out a channel, but we are in a technology explosion. Almost everybody that has cable or a satellite can receive at least 50 channels and there are going to be 300, 400, 500 channels before long. Can my colleagues imagine a parent blocking out one channel and going to work and thinking their child is going to be safe from pornography and violence on TV? Of course not.

So we need a system where a parent can block out a whole category of violence and sexually explicit programs if they want to, so that a two-parent working family can go to work and know their children, even when they channel surf, while their parents are gone, are not going to see two women, two men, a whole bunch of people having sexual experiences, or see horrible violence in the home.

All we are saying, Mr. Chairman, is give the parents, not government, but the parent the control over what their children see. Ninety percent of the people in the country want that. This does not cut it. This does not cut it because it will only handle one program, one time slot at one time; and it will not protect any child from that kind of violent or sexually explicit material.

Mr. Chairman, in addition to that, there is no bureaucracy that is going to be created, no huge bureaucracy. This is a voluntary rating system that is submitted, if the networks do not come up with one on their own, a voluntary rating system that is recommended. We hope that the parents of this Nation will put pressure on the networks to have them adopt a system, but regardless of what the system happens to be, the total control is in the hands of the parents.

I say to all my colleagues, "The total control is in the hands of parents in their own home." If they do not want certain programs to come in, they block out that category; if they want them to come in, they leave them there. They have got a little pick system in there like a bank money machine.

Mr. Chairman, this is something that vital for the moral well-being of the Nation.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I had an interesting experience about a week and a half ago. I was on the phone in the kitchen and suddenly heard frantic activity in the den just outside and heard a lot of hollering and shouting and things falling off the table and could not figure out what was going on. I went into the room and discovered, there was my 3½ year old, Colin, obviously concerned and upset because as he was watching TV, one cartoon he was watching ended and on came Ren and Stimpy.

My son knows, under orders from mom and dad, that it is off limits for him; and Beavis and Butthead is off limits for his brothers, and NYPD is not appropriate.

Mr. Chairman, I walked into the den and used a marvelous technology so he couldn't watch that show, and it is called the off button. Every television set in America comes with one, and if you do not want your children to watch something, you get off the couch and you turn it off.

Mr. Chairman, for my Republican colleagues, I thought part of last November's election was about personal responsibility, and I as a parent have the responsibility to tell my children what programming is responsible and what programming is not responsible.

If we want to buy this, we can buy it; and if we want to buy the V-chip and it is available on a voluntary basis, absolutely. But it seems to me, again, we are sending the wrong signal, because the signal is, parents are not capable of making these decisions; technology is going to solve it for them. They cannot control what their children watch; the government has got to do it for them.

If we do not like what is on TV, and we want to make sure that our children are protected, we do not need new technology. We need technology as old as the television set itself. We need only get up off the couch, walk 15 feet across the room, and just turn it off.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Markey-Moran-Burton-Spratt V-chip amendment. Many of the issues that we deal with in Congress are propagated right here inside the beltway and then they are exported back home where one group or another stirs up support for them.

Concern about this issue, trouble about this issue, constant indiscriminate violence on our television airwaves, has grown from the grassroots up. If my colleagues do not believe it, they should go home and listen to their constituents and read just about any poll that has been taken on this subject.

Mr. Chairman, vast majorities of the American people and the overwhelming number of our citizens say, it is time we do something to curb the violence on television. According to the American Psychological Association, children see over 8,000 killings on television by the time they reach the seventh grade. The American people quite simply want us to stop this outrage.

They do not want us to stop it completely. If they want to watch it, if they want their children to watch it, then this bill says they can continue to watch it. But these parents, and particularly parents who work and children who are coming home in the afternoon or are there by themselves, they want devices for parents to control the entertainment in their own households, to control the violence and vulgarity that comes in over their televisions sets.

Mr. Chairman, this bill is about parental empowerment, about controlling the conduct of their own children in their homes. These ratings and this V-chip is not going to purge violence or sex from television. They are not even intended to do that. But they will give parents more power over the television set and the type of viewing that comes into their own homes.

Many parents, frankly, may choose not to exercise it. This does not make them use the V-chip. Nonetheless, those who do will send a message to the broadcasters and the producers. It will have an inhibiting effect, I think, on the kind of scripting that they do today; and they will think twice about putting some extra indiscriminate, wanton violence and vulgarity in.

I think it will have a salutary effect. Mr. Chairman, I urge my colleagues to vote against the Coburn substitute.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding, and I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding.

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Mr. Chairman, I rise in support of the Coburn amendment, and I rise in respect also of the Markey amendment, understanding that the intentions of that amendment are well intended.

I think what we have here, Mr. Chairman, is an issue where we are trying to clean up America and clean up the values in America. That is not the question. The question is, how do we do it, and I think what we have is a device called the V-chip. It is a one-size-fits-all-type device.

It is not going to work for everybody. An adult, for example, who does not have any children, would be mandated to go out and get, if they wanted to get a 13- or 19-inch television set, a set with a V-chip. It could cost them up to $79 extra to get that. But for those of us who have children and who want to see the programming cleaned up, there are alternatives.

Mr. Chairman, just yesterday, the four major networks came out and said that they have an alternative plan. What the Coburn-Tauzin amendment is saying is, we want to come up with the best technology to do that.

□ 1315

We will come up with that technology in the next year, and we will evaluate it and set out the standards and procedures necessary. The GAO will come back with a report no later than 18 months.

Mr. Chairman, with a V-chip my colleagues can have one TV in their house that is V-chip mandated, and the kid can go upstairs into the next room and watch the TV without the V-chip. So the V-chip in and of itself does not solve the entire problem, but what we have is a mandate here by this Coburn amendment that will empower the country and empower the parents to come up with the best technology to solve the problem.

Mr. TAUZIN. Mr. Chairman, with the balance of my time let me reiterate a point. Ninety percent of Americans in the USA polls say they are concerned about violence. I think 100 percent of us in this Chamber certainly ought to be concerned about the violence on television, but there are technologies for parents to use right now. Here is one, the Telecommander, and there are others where parents can buy equipment to put on all the televisions, the old ones and the new ones, not just the new ones that are going to be sold, and, if my colleagues do not plan to handcuff their kids to the new television when they leave the house, the V-chip is not going to do them any good.

There are other technologies on the market. The networks are prepared to help these inventors, these patenters, to bring to us products like this where we can program our set, where the Government is not setting a program for us, but where parents are doing it, and, when we come right down to it, the choice between the Markey amendment and the Coburn-Tauzin amendment and the Molinari amendment is whether or not my colleagues believe parents ought to be making the choice about what their children see or whether my colleagues believe the Government ought to be doing that with a V-chip installed in every new set that will not work anyhow unless somebody is willing to chain their children to the old set.

Mr. Chairman, kids are pretty smart. As my colleagues know, most know how to program these things better than we do, but, more importantly, they are smart enough to know, if only the new set has that control on it, they can just go into the second room and watch the old set.

The truth is the technology is there for parents to control all the sets in their house. Parents have that responsibility today. The technology is being developed over 17 years for this patent alone. The technology is on the market, will be more available on the market in the years to come, and, if my colleagues believe that parents ought to make those choices, that Government ought not be involved in censorship and deciding what kind of programming is going to be available for children, then, my colleagues, vote with the Coburn-Tauzin-Molinari amendment. If my colleagues believe Government has that role, if my colleagues trust Government to decide what is offensive to our families, then vote with the Markey amendment. It is that simple. If my colleagues want something that really works, go with the new technologies, go with the programs that allow parents to control all the sets in their house, not just the one set that the Markey amendment will impose the Government standard on.

Mr. Chairman, it is that simple a choice. Vote for parents' control rather than Government control. Vote for the Coburn-Tauzin-Molinari amendment.

Mr. BURTON of Indiana. Mr. Chairman, before I yield to the gentleman from Virginia, I yield myself 10 seconds. In the 10 seconds I want to say that it does not cost $78. It costs between 7 and 20 cents to add to already technology that is in the sets now for closed caption for the hearing impaired. This is a bogus argument. It is not $78. It is 28 cents to bring this technology forth.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. GOODLATTE. Mr. Chairman, 20 cents to empower the parents of this country to do what every one of them does with their children today when they ask if they can go to a movie theater, give them a limited number of choices to help them make decisions that they cannot be in that movie theater when their child asks them to go with another friend to see a movie: G, PG, PG–13, R, and C–17, X, and not rated. The V-chip will give them a similar opportunity to do something with television that they cannot possibly do just by reading the newspaper ads.

Mr. Chairman, we have 50 channels on the cable system in Roanoke today. It is going to grow to 100 to 200 in cities across this country. Today the only way parents can exercise that same rating opportunity is to have a technological way to do it built into the television set. The V-chip will give them the opportunity to do that. It is not Government censorship. There is nothing in this bill that empowers the Federal Government in any way to impose these ratings on any of the networks.

But do my colleagues know what is going to happen? Public pressure is going to bring that about because, as soon as one or two of the cable channels, Nickelodeon, or the Disney Channel, or the Family Channel, decides that they are going to put this signal out on their cable channel, and a parent who wants to leave their children alone during the day while they are working will be able to say, "Only allow those channels to come through on my kid's set that have a rating. Screen out all the ones that are not rated." Once we do that, that forces the other networks that are resisting their responsibility. It is their responsibility, not the Government's, and all we are doing is aiding them in the process.

Support the Burton-Markey V-chip amendment. Empower the parents of this country to do what is right, and let us bring about real reform in the television communications industry of this country.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, we are facing a crisis in our society. The violence that we see on television each day is part of an overall trend of desensitization toward the violence that exists on our streets. This violence has transformed American society into a place where violence rules our communities, and law-abiding citizens are afraid to be outside their homes.

Clearly, violence on television is not solely responsible for this breakdown in American society; but it does contribute to it. Our children are assaulted by a barrage of violent, sexually explicit, and otherwise obscene images each night on television. This constant stream of morally reprehensible acts being committed by their favorite characters on their favorite shows has a very real and a very frightening effect on them. Our children are becoming numb to real acts of violence through such constant exposure to "fantasy" violence on television. It is time that we take real steps to stop this trend. It is time for the V-chip.

I can tell you, Mr. Chairman, that as a mother of three and a former PTA president, I wish I had a V-chip in my TV when my kids were growing up. The V-chip will help to stem this dangerous tide by allowing parents to stop their

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children from viewing violent programs on TV. But make no mistake, the V-chip is not about censorship, and it is not about legislating morality. It is about parental responsibility. And it is about giving parents the choice to protect their children from the harmful effects of violent television programming.

There are very few people left who dispute the notion that violence on television is hurting our children. For 25 years, we have been hearing about the negative consequences of broadcast violence, and today we have the chance to take a real and important step toward solving this problem. The V-chip puts responsibility in the hands of parents to determine what their children should and shouldn't see on TV. It lets parents decide whether they want their children to be exposed to violence. And it will finally tell broadcasters, in very real terms, that violence and pornography and obscenity are not what we want to see on television.

I urge my colleagues to support the Markey amendment.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

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

Mr. DORNAN. Mr. Chairman, I rise with a heavy heart against the violence chip. I am still thinking it through.

Mr. Chairman, my conservative colleagues who support the V-chip amendment should be reminded of a bit of recent history. Many of you who have served here a spell will remember our good friend Bill Dannemeyer. I doubt a more principled Member of Congress has ever served. I used to call him the "last honest man in Congress."

If Bill were here today he would respectfully oppose this amendment. I know this because I remember a time when Bill, clearly with tongue in cheek, offered an amendment to the clean air amendments being debated in the full Commerce Committee. Dannemeyer was tired of Mr. WAXMAN's regulatory morass and the punitive penalties he would put on any business daring to fall out of compliance with Mr. WAXMAN's world view, so our friend Bill Dannemeyer thought he would give his colleague a taste of his own medicine.

Bill drafted a "clean airwaves amendment" to the Commerce bill to rid television of the perverted sex and buckets of blood violence which pollute the minds of latchkey kids and finally offend our public sensibilities. The Dannemeyer amendment had high penalties for noncompliance, created a government-sponsored monitoring board to determine what is excessive sex and violence, and even promised to cancel the licenses of habitual lawbreakers.

Mr. Chairman, my point in mentioning this episode is that what our friend Bill Dannemeyer did as a joke, proponents of the V-chip are doing as a serious amendment. I can't support any proposal that gives any portion of respectability to the idea that the Federal Government can frame or force a rating system. And as for Hollywood—Oh Lordy—they will use this to descend further into the pit, shrieking at families "If you don't like our immoral product then get a V-chip!"

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Chairman, I rise in support of the Coburn substitute. I understand what the gentleman from Massachusetts [Mr. MARKEY] is trying to do, and of course it points out probably the frustration that has gone on as a result of the amount of violence that we have seen on television. But let me say to him and to those that support it, Mr. Chairman, it is the wrong thing to do at this time.

Mr. Chairman, I think that what we need to do is empower parents, and the way we empower parents would be to make it possible for them to control the situation. This is a great moment and a great opportunity. This is an issue that I have been involved in for quite some time, saying that there has been too much violence on television and that our children go to bed seeing killings, and they wake up in the morning seeing people killed, wake up seeing people destroyed, and sometimes I think they get confused in terms of reality because they see a person getting killed on one episode, and the next week he is starring on another episode. I think they are confused about this whole situation.

So, Mr. Chairman, I am convinced that, yes, we must do something, but I am not sure that what is being proposed by the gentleman from Massachusetts [Mr. MARKEY], that that is what we should do. There is affordable and practical technology available for parents that does not require the Federal Government to mandate the use of a V-chip. I strongly believe that broadcasters should decrease violence on the programs, but, as consumers, we can exercise choice in this matter of what our children watch.

Mr. Chairman, that is why I strongly support the Coburn amendment. It provides consumer choice and programming control. If we do not support this provision, it would leave us with no other alternative but to rush down the path of censorship, and I want to caution my colleagues as they rush down the path of censorship. I encourage my colleagues to support this amendment. This is a way to protect our children and to empower our parents, and I think we should seize this moment by voting for Coburn and rejecting the Markey amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise in support of the Markey-Burton amendment.

Mr. Chairman, during my campaign for the U.S. Congress many parents shared their concerns and disgust with the high level of sex and violence on TV. These parents are frustrated because producers of TV shows do not seem to care about what our children watch.

Last fall, when the new TV shows were announced, a town in my district held a church parent rallay because of the sex and violence in the fall shows. Five hundred men and women marched that day. I ask my colleagues, "Don't you think it is time that we give parents the authority they need to say what and when their children watch TV and what type of programs?"

The Markey-Burton amendment meets all the constitutional questions, and, most important, it is pro-family. Let us give the choice to the parents.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I rise in strong support of the Markey amendment. This is the last chance that we are going to have for a long, long while to give the parents a little bit of help to what their people watch on television, what their kids watch on television, and I am surprised at some of these former broadcasters that got up and made the statements they made.

Mr. Chairman, I used to be a broadcaster. I spent about 12 years on television. I know a little bit about broadcasting. And guess who is going to have a big part in this so-called study under this substitute? The big three, the ones that gave us the situation where they planted a truck and put dynamite in it, and blew it up for credibility, went to North Carolina and did some planning with false employees. This almost destroyed a food chain down there that had worked so hard.

Mr. Chairman, these are the kind of people that are going to be having input into this substitute that absolutely does nothing but another study, and in the meantime this is something that gives the parents one tool to help a little bit in this fight against pornography and degradation on television.

Vote against the substitute and for the Markey bill.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

□ 1330

Mr. BERMAN. Mr. Chairman, I rise in opposition to the Markey amendment.

It is not the notion of requiring TVs to be equipped with a particular device which concerns me. After all, I strongly supported the Decoder Circuitry Act of 1990, which requires circuitry for closed captioning for the hearing impaired.

What troubles me is how this device works. I cannot support mandating technology which hinges on the Government assessing the content of communications protected by the first amendment. Yet that is what the V-chip does.

Consider the task of rating "Schindler's List." Is there violence in "Schindler's List?" You bet. But surely no government bureaucrat is going to say "Schindler's List" should be blocked by the V-chip, because that

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great film has socially redeeming value in its depiction of the horrors of the Holocaust. But stop and think about this: Do we really want, and does the first amendment countenance, the Government deciding what constitutes socially redeeming value which takes programming out of the "V" category? I certainly do not.

I am concerned about what our children watch on television. But I want to empower parents, not a government commission, to decide what is and is not appropriate for our children to view.

I am aware that technology is emerging, hopefully hastened by the Viewer Discretion Technology Fund announced this week by the broadcasting industry, which will give parents the opportunity to choose from among many rating alternatives, from the National Education Association, to the Christian Coalition, to the parents' own individually developed assessment, and to block programming accordingly.

I would not hesitate to mandate this type of technology, although the indications are good that the industry is moving toward it voluntarily.

Parents, and not a government commission, should be responsible for what their children watch. And I want to give parents the ability to exercise that responsibility. The Markey amendment fails to do so. I urge its defeat.

Mr. BURTON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I speak today not really as a Member of Congress in the well; I speak as a parent of a 3-year-old and of a 7-year-old. You bet I want to control what they watch. One of my colleagues earlier today said well, just use the off-button.

Mr. Chairman, because of this family-friendly schedule, I have be getting home most nights around midnight for the last month, and that will be again the case tonight when I return to Michigan.

Tomorrow morning is Saturday, and like most parents of little kids, my 3-year-old and my 7-year-old are going to wake each other up about 7, maybe 6:30, and they are going to go down those stairs and they are going to have that TV on when I wake up a little bit later. I have a feeling that I will not be up and I will not be able to block out what they may or may not watch.

The argument that the Markey amendment is going to set up thousands of bureaucrats is wrong. It is false.

Mr. Chairman, I have a story that ran in my local paper last week that I am going to read excerpts of and I will include the entire article in the RECORD, but it is headlined this way, "Violence, Sex Fill The Airways."

I am a 14-year-old junior high Afro-American female from Benton Harbor. I cannot help noticing the endless amount of times people blame the media for boisterous behavior in teens and young adults. I feel that everyone plays a role in influencing children.

As a teenager I can tell you a lot, that the TV is responsible for much of this. But I have good parents and I am a good kid. You see there are no bad kids, just misguided. Parents needs to band together, stop talking about the problem, and do something about it.

That is what the Markey-Burton amendment does. Let us stop talking about this and oppose a simple study. We know studies are not going to solve this. The evidence is in.

Do what the kids tell us as well as the parents, support the Markey-Burton substitute.

The article referred to follows:

[From the Herald-Palladium, July 30, 1995]

VIOLENCE, SEX FILL AIRWAVES

(By Debbie Allen)

I am a 14-year-old junior high Afro-American female from Benton Harbor. I cannot help noticing the endless amount of times people blame the media for boisterous behavior in teens and young adults. I feel that everyone plays a role in influencing children.

As a teen-ager, I can tell you a lot of influences and causes, including the media. For example, gangsta rap. Now here you have so-called music that calls women "bitches" and "hoes," and that not being the worse part. It also tells young boys that it's OK to kill someone.

A prime example is Snoop Doggy Dogg. But you have to think where did it get him? In prison. Need I say more?

But it's only one factor. It's not the only factor. Any video that calls a woman a bitch, especially the black queen, then I don't want to watch it and I definitely don't buy it. They give black people a bad name making it seem like all black people do is sit up smoke blunts (marijuana) and drink beer. Well, my family doesn't.

Like Da Brat says, "I love to get high, I mean way." I bet her parents are proud. Movies also depict sex and violence. They have young kids on there having sexual intercourse, making it seem like everybody's doing it and everybody's not.

All through these movies the women are having sex, most of the time with a different man each time, and you never see them use contraceptives.

Then you have violence on the other hand. If you like violence just watch any movie with Arnold Swarzenegger, Steven Seagal, Jean Claude Van Damme or Bruce Willis. For profanity, watch movies or turn to HBO for Deff Comedy Jam or just pop in a Snoop Dogg or Dr. Dre tape.

But television is also to blame. You turn on the soap operas you see teens having sex, or shall I say rolling around the bed? You see adults doing the same thing. I like soap operas, but I also have to turn because that sickens me. Another example: Beavis and *Butthead*.

Even talk shows. Just two weeks ago I was watching Charles Perez and the topic was strippers who can't get a date. I saw all these male and female strippers on there dancing and stripping for the audience and the audience putting money in their underwear and their putting their butts in their faces. I mean, come on. My 4-year-old nephew and 3-year-old niece were getting a kick out of *this*.

But worst of all, Mighty Morphin Power Rangers. The whole half hour they're fighting. They're kids' idols.

"Cosby," "Family Matters," "Different World," "Under One Roof" and "On Our Own" are all fabulous shows. They teach morals. "Family Matters" is still hanging strong, thank God, but I'm sorry I cannot say the same for the others. Those were all taken off. Why? Only God knows.

Don't get me wrong, there are also good white shows, like "Full House" and "My So-Called Life." But you see rock videos also promote constant violence and sex, not to mention if you listen to them too long you get a headache.

But those are just a few causes. Kids need more role models like Martin Lawrence, Usher Raymond, Michael Jackson, Brandy and Willie Norwood and Monica Arnold. Parents need to take control of their children and be good role models, but they need the help of other parents, police officers and especially the media, rappers and stars.

But I have good parents and I'm a good kid. You see there are no bad kids, just misguided.

Parnets need to band together. Stop talking about the problem and do something about it.

Debbie will be a ninth-grade student this fall at Coloma Junior High School. She lives in Benton Harbor with her parents, Albert and Labralla Allen.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I know that many people are well meaning. I know the gentleman from Indiana may be well meaning, but I think there is a lot of fraud being played in the House.

I tell you I heard the gentleman talk about a 3- and 7-year-old. I have got a 9-year-old. The 9-year-old is curious and bright, and I can tell you that it is not 6:30 in the morning, it may be 8:00 at night, and 8:00 at night you do not know what you might be seeing.

This is not something that is compulsory; it allows the parents to choose. But what it does say, it takes away the fraud of suggesting we are going to study it, and it helps the broadcasters.

The broadcasters have a year to get together and talk about the various rating systems. We want them involved, we expect their expertise. Only if they do not do the job does the FCC get involved. I want my bright 9-year-old to be able to sit there and learn and understand and see the world, but I tell you, there are some things that come on that I am sure that you would not want anyone to see.

Mr. Chairman, I want to protect the children. What about you? Stand up for the Markey amendment.

Vote the other one down.

Mr. MARKEY. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I do not get it. How does giving more power to parents mean less responsibility on their part? Does a remote control mean less responsibility? More stations only increases the need to equip parents.

I am fed up with TV violence. Support the Markey-Burton amendment.

Mr. BLILEY. Mr. Chairman, to close debate on our side, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, from the home office of the Family

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Empowerment Coalition, the top 10 unintended consequences of the Markey V-chip mandate:

No. 10, bureaucrats will be able to pick the shows your kids watch, but will not read them a bedtime story.

No. 9, rating tens of thousands of hours of shows each year is fun, easy, and fat free, but it will not be cheap.

No. 8, the viewer is upset that V-chip is not as good as the original show with that Ponch guy.

No. 7, Oh, I am sorry, No. 7 has been blocked out by Government censors.

No. 6, Angela Lansbury now stars in "Jaywalking, She Wrote."

No. 5, provides jobs for unemployed Federal bureaucrats.

No. 4, will not work on that old out-of-date TV you bought last week.

No. 3, brings back all the intrusive Big Government attitude that we all miss.

No. 2, C-SPAN's annual NEA debate blocked out for sexual content.

And the No. 1 unintended consequence of the Markey V-chip: blocks Regis, spares Kathie Lee.

No on Markey, yes on Coburn.

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Markey-Burton amendment to H.R. 1555 because I believe that there is too much violence on today's television programs. V-chip technology will give parents greater control over the type of programming that their children can watch.

This amendment is important to the parents of America because most parents work long hours and are unable to monitor the type of programming that their children are watching.

This amendment helps promote freedom—freedom of what you choose to look at.

The FCC is the appropriate agency to recommend guidelines and standards for violent and indecent material so that parents can make an intelligent and informed decision. It is critical for the Government to assume this role when the television industry shows little effort to get involved.

I admit that this amendment will not solely resolve the issue of violence on television but it is an important step in the right direction. I urge my colleagues to support the Markey-Burton amendment and help contribute to a better television viewing environment for our young people.

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the Markey V-chip amendment. While well-intentioned, we don't want the Government involved in ratings. This is exactly what the Markey amendment does, and as such it runs afoul of the first amendment.

I think we all agree that parents should be able to control what their children see on television. With more and more channels, this responsibility is more and more challenging. No matter how challenging, however, we should never give up our first amendment rights.

But the V-chip would do just that. It would force the broadcasters to produce programs that are acceptable only to society as a whole. And if broadcasters choose not to rate the tens of thousands of programs they produce each year, the V-chip legislation allows the Federal Communications Commission to withhold their license renewals. Let me remind you this is the provision the V-chip supporters are referring to as "voluntary."

We need a solution to television violence. There are technologies available to parents—they can go to their local electronics store and purchase them if they wish. There are no first amendment problems with that.

But there are first amendment problems with the V-chip. We can, and should, encourage the electronics industry to continue to provide solutions to assist parents in guiding their children's viewing. And we can, and should, encourage broadcasters to be responsible in their programming. But we should never pass legislation which restricts freedom of speech. This is why I oppose the Markey V-chip, and I hope my colleagues will do the same.

The CHAIRMAN. It is now in order to consider substitute amendment No. 2-7 printed in part 2 of House Report 104-223.

AMENDMENT NO. 2-7 OFFERED BY MR. COBURN AS A SUBSTITUTE FOR AMENDMENT NO. 2-6 OFFERED BY MR. MARKEY

Mr. COBURN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. COBURN as a substitute for the amendment offered by Mr. MARKEY: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. FAMILY VIEWING EMPOWERMENT.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television is pervasive in daily life and exerts a powerful influence over the perceptions of viewers, especially children, concerning the society in which we live.

(2) Children completing elementary school have been exposed to 25 or more hours of television per week and as many as 11 hours per day.

(3) Children completing elementary school have been exposed to an estimated average of 8,000 murders and 100,000 acts of violence on television.

(4) Studies indicate that the exposure of young children to such levels of violent programming correlates to an increased tendency toward and tolerance of violent and aggressive behavior in later years.

(5) Studies also suggest that the depiction of other material such as sexual conduct in a cavalier and amoral context may undermine the ability of parents to instill in their children responsible attitudes regarding such activities.

(6) A significant relationship exists between exposure to television violence and antisocial acts, including serious, violent criminal offenses.

(7) Parents and other viewers are increasingly demanding that they be empowered to make and implement viewing choices for themselves and their families.

(8) The public is becoming increasingly aware of and concerned about objectionable video programming content.

(9) The broadcast television industry and other video programmers have a responsibility to assess the impact of their work and to understand the damage that comes from the incessant, repetitive, mindless violence and irresponsible content.

(10) The broadcast television industry and other video programming distributors should be committed to facilitating viewers' access to the information and capabilities required to prevent the exposure of their children to excessively violent and otherwise objectionable and harmful video programming.

(11) The technology for implementing individual viewing choices is rapidly advancing and numerous options for viewer control are or soon will be available in the marketplace at affordable prices.

(12) There is a compelling national interest in ensuring that parents are provided with the information and capabilities required to prevent the exposure of their children to excessively violent and otherwise objectionable and harmful video programming.

(b) POLICY.—It is the policy of the United States to—

(1) encourage broadcast television, cable, satellite, syndication, other video programming distributors, and relevant related industries (in consultation with appropriate public interest groups and interested individuals from the private sector) to—

(A) establish a technology fund to encourage television and electronics equipment manufacturers to facilitate the development of technology which would empower parents to block programming they deem inappropriate for their children;

(B) report to the viewing public on the status of the development of affordable, easy to use blocking technology; and

(C) establish and promote effective procedures, standards, systems, advisories, or other mechanisms for ensuring that users have easy and complete access to the information necessary to effectively utilize blocking technology; and

(2) evaluate whether, not later than 1 year after the date of enactment of this Act, industry-wide procedures, standards, systems advisories, or other mechanisms established by the broadcast television, cable satellite, syndication, other video programming distribution, and relevant related industries—

(A) are informing viewers regarding their options to utilize blocking technology; and

(B) encouraging the development of blocking technologies.

(c) GAO AUDIT.—

(1) AUDIT REQUIRED.—No later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress an evaluation of—

(A) the proliferation of new and existing blocking technology;

(B) the accessibility of information to empower viewing choices; and

(C) the consumer satisfaction with information and technological solutions.

(2) CONTENTS OF EVALUATION.—The evaluation shall—

(A) describe the blocking technology available to viewers including the costs thereof; and

(B) assess the extent of consumer knowledge and attitudes toward available blocking technologies;

(3) describe steps taken by broadcast, cable, satellite, syndication, and other video programming distribution services to inform the public and promote the availability of viewer empowerment technologies, devices, and techniques;

(4) evaluate the degree to which viewer empowerment technology is being utilized;

(5) assess consumer satisfaction with technological options; and

(6) evaluate consumer demand for information and technological solutions.

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma [Mr. COBURN] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Massachusetts [Mr. MARKEY] seek recognition in opposition?

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Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts will be recognized for 15 minutes.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to yield 7½ minutes to the gentleman from Indiana, [Mr. BURTON], and that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I yield myself 4¼ minutes.

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

Mr. COBURN. Mr. Chairman, this is another one of the debates in the House where everybody wants to accomplish the same purpose. The discussion, Mr. Chairman, is about how we go about doing that, and whether or not we violate principles that have dealt us well since we have been a Nation.

This amendment is a worthwhile alternative to the V-chip. It puts parents, not the Federal Government, in the driver's seat on the subject of television program viewing choices.

The amendment of the gentleman from Massachusetts [Mr. MARKEY] assumes only that a congressionally mandated board will know best. The Markey amendment calls on Government to choose one technology over another, not the marketplace. I thought that was what this was all about, the marketplace deciding how we make these decisions.

His amendment calls on the Government to mandate a single technology and develop rating systems and require the transmission of those ratings. Whether it is a Government agency or a Government-mandated board, it is still the same. My amendment says that the market knows best.

With dozens of devices already on the market and dozens more in the development stage, the Federal Government should not be in the business of forcing a single solution on consumers. A statutory mandate will develop much more advanced, better technologies that will empower parents better and further.

There is no question that television is a powerful influence in our society. That is one of the very important reasons why it sould be parents' decision, not the Government. The parents should be making the decisions based on individual family values, not a politically balanced advisory committee.

Broadcasters, too, have a responsibility to assess the impact of their work, and understand the damage that it causes to our youth and our society. This industry must continue to take actual tangible steps towards addressing violence and sexual illicitness.

This amendment, this substitute amendment, will drive that change to empower parents with the latest technology, with the broadest technology to exclude what they decide is inappropriate.

The provisions in my amendment are real, they are tangible steps that will allow the industry and the families through free enterprise and competition to decide what is best for their children.

My amendment would call on the broadcast television cable satellite syndication and other video programming distributors and related industries to, one, establish a technology that empowers parents, not the Government to block programming they deem inappropriate; to establish and promote effective procedures for informing the viewing public as to the affordability and the development of blocking technology; and to evaluate no later than 1 year after date of enactment of this act industry-wide procedures, standards, and advisories or other mechnanisms to inform the viewers regarding available blocking devices.

I am pleased to announce that this fund has been developed and that we will see in the very near future and we do have now technology available to do this on any old or on any new TV, any old or any new TV. Every TV in the home, not just the new one.

Let me be clear. I am not opposed to providing parents with the ability to block programs that they deem inappropriate. Everyone that knows me knows that that is true. I think they should have the responsibility, but it should be the parents' responsibility, not a Government agency, not a Government mandate.

I urge Members to support the Coburn-Tauzin amendment.

Mr. BURTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I agree with my colleague who just spoke. The parents should be the ones who make the decision, but they need the tools with which to implement that decision, and they do not have it right now.

With 50 or 100 channels, there is no way they can block out the objectionable materjal that is coming across the airwaves. They can block out one channel, one station, one period of time, but they cannot block out the myriad of channels and the myriad of time slots and the myriad of pornography and violence that is coming across the airwaves unless they have this V-chip in their set.

All we are saying is that for 15 or 20 or 30 cents it can be put in a set because that technology is already there. It is in there with the closed captions for the hearing impaired. This Congress demanded that several years ago. So the technology is there.

Now, let me just tell you about the networks. The networks came around to see me, and they said, we will put $2 million. Do you want more? We will put $5 million into a fund to study this, to study this.

Why do they want to study it? Because they know when the ratings start going down on a show because the parents will block it out, the money goes down, and when the money goes down, then the advertisers do not buy the advertising, and when that happens, Mr. Chairman, you send a message to Hollywood really clearly: You clean up your act, and you stop this violence and sex that is coming into the homes, or you will not get the money for it.

That is where we are going to hit them. There have been boycotts in the past that have not worked. This is the greatest boycott in the world because the parents in the home controls what is coming into their homes, what their children are seeing, and if they block that out, then by gosh we are going to see some changes in this country.

The violence we see in our streets, the sex we see, the sex crimes are directly related to what our kids are consuming on television, and here is a chance not for Government but for the parents to control it.

For God's sake, we have been talking about this for years. It is time we gave the parents the tools, and this study he is talking about, the Coburn study, 3 years we will be talking about this. The Coburn study will not do a darn thing. Vote down the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to the Coburn amendment.

Mr. Chairman, we do not need any more studies in this area. No longer can we question that violence and sex that is on TV harms our children and weakens the moral strength of this Nation. Our kids are just not prepared for what is on the airwaves these days.

□ 1345

We have all heard the refrain, "Don't control what is on my TV. Let parents decide what their children can watch." That is exactly what the V-chip will do, allow parents to decide. Parents have got to be in the position to direct their children, to reinforce the right values, and the V-chip promotes family values, and it does it without infringing and impinging on first amendment rights.

The sweeping telecommunications bill before us touches nearly every single aspect of our communications landscape, but will fail to address parents' number 1 concern, and that is protecting their children from harmful programming. Give the power and strength back to parents. Vote down the Coburn amendment and vote for the Markey-Burton amendment.

Mr. COBURN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think one of the most important points is to recognize that this technology is available today, it is being encouraged. But here is the technology that is not going to be

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available if in fact we have the Markey V-chip. We are not going to have interactive television listings. We are not going to use other devices and technologies. We are not going to have set top technology. We are not going to allow the marketplace to come and bring a better method than a government-designed method.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, there is a lot of conservatives on both sides of this question, and I have a lot of respect for the gentleman from Oklahoma, Mr. COBURN, as well as my great friend, the gentleman from Indiana, DAN BURTON. But I think we are talking about here not a government mandate. It is no more a mandate for parents to be able to have a tool to use to decide what their kids are going to see than to have a PG rating or an R rating. That is put out by at least a quasi-governmental board, and yet it is something that is available in the absence of anything else.

The best thing in the world is for a parent to have seen a show and say that show is okay for my kids. That is how we do with the movies generally. But you cannot do that now with this giant menu of shows that are available. There is no working parent in the country who can go through 300 television shows before they leave for work and say I think these are good for the kids. So in the absence of that, with the mom or the dad running out the door to make their second job, they at least, if they want to, can click this V-chip in and perhaps restrain some of the violence.

Mr. Chairman, I think it makes sense. Vote for the Burton amendment and vote against the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, delay it; study it; review it: How many times has Congress dragged its heel and sidetracked legislation that the people of this country want, but well-placed inside lobbyists are desperately trying to stop?

That is what the Coburn amendment represents, because the people of this country want more control over what is coming into their living rooms, but the Hollywood lobbyists are desperately trying to sidetrack the Markey amendment.

The Coburn amendment is a diversion, political cover for those who otherwise would not have any good reason to tell the parents that they represent here in Congress why they voted against giving them the tool to keep pornography, to keep violence, to keep sex, off of the TV and the television programming coming into their living room.

I have a little girl. There is so much I will not be able to protect her about, bad drivers, getting taunted in school. I can protect with the V-chip the television programming in my living room. Vote down the Coburn amendment, vote for the Markey amendment.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. FRISA].

Mr. FRISA. Mr. Chairman, American families are being asked to buy a bag of goods, and what they are being asked to buy is called the censor chip. Now, it might look good, and it might even smell good, but if you really think about it, censorship is a bad idea.

Let us keep the feds out of the family room, and let us stop and prevent a government-issue TV guide, because, after all, mom and dad know better than any Washington censor.

Mr. Chairman, I urge a yes vote for the Coburn amendment because the censor chip crumbles when you read the fine print.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I rise in strong support of the Coburn substitute. It promotes core Republican principles of smaller government, less intrusive regulation, and private sector solutions. It puts parental responsibility where it belongs—in the hands of parents.

This substitute will do more to protect children from objectionable programming than the Markey amendment. The Markey amendment is unfair. While two-thirds of American households do not have children under 18, the Markey amendment requires all TV purchasers to pay for the mandated V-chip.

The Markey amendment is flawed because it still does not protect children as intended. Since most houses have more than one TV set, children will still have access to TV sets not containing the V-chip.

The Markey amendment is also punishes consumers. Approximately 20 million TV sets are sold in the United States annually. Since the V-chip is estimated to add between $5 and $40 to the cost of every TV, American consumers could have to pay an additional $800 million for a feature that two-thirds do not need.

Legislative proposals to curb objectionable TV content, no matter how well intentioned, mean government control on what Americans see and hear. By contrast, the Coburn amendment recognizes that parental responsibility coupled with private industry cooperation is the only viable solution.

The broadcasting industry recognizes that its impact is vast, influencing our lives socially, economically, and politically. That is why it is willing to do more and fully endorses the Coburn amendment.

The broadcasting industry has been working to find solutions. In 1992, the networks adopted joint standards for the depiction of violence. In 1993, the four networks agreed to increase the use of violence advisories. In 1993, ABC launched a 1-800 hotline to inform parents of upcoming programs carrying advisories. In 1994, the four networks also agreed to an analysis of network programming.

I urge all my colleagues to support this amendment that leaves TV content control where it belongs, in the hands of parents—and more importantly—keeps it out of the hands of government.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, encourage it, study it, review it, delay it. America needs to move on this issue, and I rise in strong opposition to the Coburn amendment.

Mr. Chairman, I think all of us recognize that there is too much sex and there is too much violence on television today. I think we all agree that parents should have more control over the garbage that is flowing into their living rooms. But the question is, What are we going to do about it?

All over America parents are taking responsibility. They are coming home and turning the TV set off. But we all know they cannot be there all the time, and they need help, and the V-chip will give them that help.

This is not about censorship. This is not about big government. This is about giving parents the tools they need to stop the garbage from flowing into their living rooms and polluting the minds of their children.

The V-chip is based on a very simple principle, that it is parents who raise children, not government, not advertisers, not network executives, and parents should have a more powerful voice in the marketplace.

That is what the Markey amendment does. I do not come to this floor today and advocate the Coburn amendment, because the Coburn amendment does not do that. We all know it is a fig leaf. It does nothing to give parents control and it does nothing to stop sex and violence. It does nothing to force the industry to change. All it does is kill the V-chip, which is an idea supported by over 90 percent of the American public.

So if you want to endorse the status quo, vote for the Coburn amendment. But if you think parents should have more control, if you think it is values of the family we should be promoting, I urge Members to support the Markey-Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this legislation in a tougher form, in a tougher form, passed the Senate with 73 Members of that body voting for it. Members who were here before, conservatives, liberals, moderates, they are not for Government censorship. They would not

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vote for it. People you guys and I respect.

This is not Government censorship; this is very, very simply a tool that we are going to give parents to protect their kids from the filth that is coming across the airwaves.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. BLILEY], the chairman of the committee.

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

Mr. BLILEY. Mr. Chairman, I rise in support of the amendment offered by Mr. COBURN. This amendment replaces the simplistic Government-sanctioned solution of mass blocking of television choices with one that relies on individual responsibility.

More importantly, the Markey amendment sets a dangerous precedent of rating the content of programming by a Government appointed board. One can only imagine where such a precedent might lead.

Mr. Chairman, last year the Subcommittee on Telecommunications and Finance held no fewer than eight hearings on the issue of violence in television. What became increasingly clear during these hearings was that the V-chip solution was unnecessary because inexpensive software and set-up technology is available now or will be shortly in the marketplace and second the V-chip only focused on only one segment of the industry—broadcast and cable—and did not address other technologies such as satellite-delivered programming. Finally, the V-chip, combined with a ratings system, raise serious constitutional questions.

The Coburn amendment takes a more reasonable approach by encouraging the deployment of inexpensive technology to enable parents to block any programming they deem unacceptable.

I urge my colleagues to reject the Markey approach and endorse the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, read this substitute. Coburn huffs and puffs for three long pages, and then, and then it blows out of steam. It does not even decree a report. In a long convoluted sentence, what it does is say it is the policy of the United States to encourage the industry to establish a fund to explore the problem further.

This would be laughable if it were not so serious. What this is, this Coburn substitute, is another in a long line of red herrings. It is another attempt to derail and sidetrack a solution to this problem. We have a solution before us, but we will not have an opportunity to vote upon it unless we defeat Coburn first, because Coburn is a substitute and everyone should understand it. It, too, is a V-chip which will block our opportunity to have an opportunity to vote upon the V-chip amendment that many Members of this House on both sides of the aisle support and parents in this country desperately want.

□ 1400

Mr. COBURN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think it is important that the gentleman from Indiana referred to the Senate because here is what the Senate bill does. It establishes five commission members appointed by the President at salaries of $115,000 a year. It will be an executive branch commission. It may hire staff without regard to Civil Service laws. The salaries are not to exceed $108,000 a year. They can appoint additional personnel as may be necessary to do the 105,000 television shows per year.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I rise in strong opposition to the Markey V-chip amendment.

I realize the authors of this amendment are well-meaning. They see the importance of providing family viewing for American children. My gosh, we all would agree with that. We all share in that goal. That is the one vote that could get 435 votes for that. We do not want any more violence on television.

The debate is about the solution. I disagree with the solution of the gentleman from Massachusetts [Mr. MARKEY]. A censorship commission run by Federal bureaucrats is a horrendous idea. The V-chip will only block programs rated as violent or indecent by the rating commission.

Read the Senate language. We will replace parental choice with a Federal bureaucrat, and I do not trust a bureaucrat in this town to make a sensible decision where ratings are concerned.

I urge my colleagues to vote against the Markey V-chip amendment and vote for the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield myself one-half minute.

Mr. Chairman, the gentleman from Oklahoma just made reference to the Senate bill and knows that that is not the House bill. The House bill does not have any Government censorship. At no time are broadcasters mandated to do any ratings. We mandate that a violence chip be built into television sets, but at no time do broadcasters in fact have to rate their own shows. If they do not do it, they do not do it. But we give them the V-chip.

The Coburn amendment is nothing more than the Hollywood and New York producers wish, that there be no protection for children. Vote no on the Coburn amendment or else the V-chip dies.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Chairman, let us make it perfectly clear. There are two good reasons why the V-chip is a bad idea. The first one is the same old problem we are dealing with in this bill all across the board. The Government picks the technology to solve this problem. When are we going to learn this lesson? We do not need a V-chip. We need a C-chip to keep Congress from choosing the technology that is going to solve all these problems.

Second, let us face it; ultimately the reason there is some coercion in this bill is because the Government is involved. I have got four young children. I spend a lot of time negotiating with my wife over what our children should watch on television. We do not always agree, but I do not mind negotiating with my wife. I do mind negotiating with a bureaucrat in Washington, DC.

Defeat the Markey V-chip amendment. Vote for the Coburn substitute.

The CHAIRMAN. The Chair advises that each side has one remaining speaker. The order will be the gentleman from Indiana [Mr. BURTON] first, who has 4 minutes remaining.

Mr. BURTON of Indiana. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. WOLF], one of the most respected Members of the House.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to Coburn because it will do nothing—everyone knows that—and for the Markey-Burton amendment.

The eye is the gate to the mind. It says it in the Bible. It says it in many other places. Garbage in, garbage out. Good things in, good things out. When I go see the Chariots of Fire, I leave the movies feeling good. But if you go see the Texas Chain Saw Massacre, you go out of the movies feeling not very good.

The working parents are not around all the time. Ozzie and Harriet do not live in America all the time in every house, and they are not around. But many times no one is around, and it has been said that more young women become pregnant in their own house between the hours of 3 and 5 because no one is home. So face the reality. I wish it were different, but it is not that way.

Second, if you try to block out, what show would you block out? Would you block out Married with Children? Would you block out Melrose Place? What about Beverly Hills 90210 or Beavis and Butt-head, that stupid show? Or would you block out the afternoons? What afternoon show would you do? Geraldo? We do not know how to get Geraldo, but how about Jenny Jones? Well, Jenny Jones; is that the show that the guy killed the other person on? What about Ricki Lake? It goes on, and it goes on.

Lastly, to the conservations on this side, back in 1985, I came with the idea to create a national commission on pornography, and it worked. Let me tell you who served on one of those national commissions that the gentleman

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from Washington [Mr. WHITE] just ridiculed, Dr. James Dobson. And we set up a standard to bring about prosecution because, under the first term of the Reagan administration, there were no prosecutions of pornographers. But, for that national commission, we changed it around.

Somebody says this is censorship. Who were the Senators, Senator DAN COATS, we all know DAN COATS. He was one of the finest Members that ever served in this Congress. Very conservative. He supported this over in the Senate.

THAD COCHRAN, real flaming liberal over there from Mississippi. He is conservative. MIKE DEWINE, nobody was tougher on crime than MIKE DEWINE.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman should be advised not to make references to individual Members of the other body.

Mr. WOLF. These were Members who voted when they had an opportunity to do it and voted the other way.

I want to look at a quote. This is what it says: "Unless and until there is unmistakable proof to the contrary, the presumption must be that television is and will be a main factor in influencing the values and moral standards of our society. Television does not, and cannot, merely reflect the moral standards of our society. It must affect them, either by changing or by reinforcing them."

If we miss this opportunity, it will never come back. The moms and the dads of our districts did not have any lobbyists hanging outside for the last week. They were so busy working, trying to do it, a single parent has the toughest job in the world. This is a good opportunity. If it can be perfect when we go to conference, let us perfect it.

I strongly urge, on behalf of all the kids that are going to come home and watch this garbage, a "no" vote on Coburn and an "aye" vote for Burton.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, this is not a contest between liberals and conservatives or Republicans and Democrats. Frankly, this is a contest between parental control and corporate PAC's.

There is no parent PAC to protect their interests. Ninety percent of parents in this country support what the V-chip amendment does. But they do not have the means to buy influence over us. They have to rely upon us to do the right thing for them and for our own families.

We enable parents to get the kind of information they need so they do not feed toxic foods into the bodies of their children. Should we not enable them to control the poison that is being pumped into the minds of our Nation's children every single day? That is all this amendment does.

What does the Coburn corporate amendment do that is not currently being done? It mandates an 18-month Government study and then encourages the broadcast industry. That is the extent of it.

Our amendment does not control what parents see or anyone can see. All it does is enable parents to control what their children see.

What we do is to ask the broadcast industry to rate their own programs. Government does not rate their programs. In fact, if a new technology that is as affordable as the V-chip and is as easy to use by parents as the V-chip comes along, fine, it authorizes that as well. Government does not block any programs. It does not even rate them.

My colleagues, we have to vote against the Coburn amendment in order to be able to vote for parents by voting for the V-chip amendment.

Mr. COBURN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the majority leader.

The CHAIRMAN. The gentleman from Texas [Mr. ARMEY] is recognized for 2¾ minutes.

Mr. ARMEY. Mr. Chairman, let us start at the beginning. I love children and I hate smut. I love parents that love their children. I think good parents exercise direction over their children. That is the way it is.

When I was a boy, it was Playboy magazines. We did not have TV. My parents did not need the Government to say whether Playboy should be rated this way or that way. My dad looked at one. He said: Son, you will not buy that anymore. He says: If you buy that anymore, you will not have any money to buy anything with anymore. If you buy it a second time, if you buy it a second time, you will not be able to buy one for a while, and you will not be able to sit down.

My dad was very clear. He told me what was right. He told me what was acceptable. He said: Do not do it; you do it again you are going to be in trouble with your dad because your dad loves you and does not want you reading stuff.

I grew up. I raised five kids. We had a VCR. It has a little clock on it. Nobody could set the clock except the kids. The gentleman from Massachusetts [Mr. MARKEY] says I am going to get something called a V-chip for my grandchildren. And the Government is going to tell me what is good and what is not bad, what is smut and what is not smut. Thank God for that because I never figured it out.

The Government has a system. They will tell me what it is. Now I have to take the time to read the Government report, find what is smut, what is not smut. Then I have got to deal with some new modern electronics. I cannot even use my TV. I do not know how to make the clicker work. But now I am going to find the wonders of the V-chip, and I am going to be smart enough to program it, and so smart that my kids cannot?

Do you think there is a parent alive today that will understand the V-chip better than their kids? I promise you right now, in 60 percent of the homes today it will be only the kids that will be able to program it. But we will all have the great privilege of buying it. The Government will have the power of pretending it is protecting our kids.

There is no way you get to this point, my colleagues, if you accept the responsibility and the privilege, the honor and the joy of having children, you accept the fact that you will determine what it is they watch and what they do not watch. You will give the supervision.

You say both parents work out of the house. My mom and my dad worked out of the house every day of my life. I came home every night after school. I went and I listened to Spiderman on the radio, and I did not read Playboy. My mom and my dad would not tolerate it. They never depended upon any Government-mandated technology or any Government advisory forum. You cannot get away from it.

The parents and only the parents can protect the children. You can make everybody buy the technology. You can put the Government panel out there to make the decisions what is or what is not smut. Lord knows, they have done it, a heck of a job with the NEA. I mean, we have reliable indications that the Government's judgment is dependable. And then we can read the Government reports, and then we can read the manuals and then we can program the set. We can go off to work. I will guarantee you those kids will have used the V-chip to hack into the Pentagon's computer before midnight.

Do not kid yourselves about that. Kids will be kids. They will be unruly unless parents are parents. The Government cannot do it.

You can buy into that old line that my momma taught me to avoid: Trust me; I am from the Government. Do what I mandate of you, and your children will be safe. And take your chances with that at more cost, more expense, more confusion and more Government control through more big Government.

Or you can just simply say: I am your mom. I am your dad. You are the kid. I am the parent. You will do what I tell you to do, as parents have done for years.

□ 1515

Frankly, most of the kids have worked out pretty well without the Government.

It is a very simple thing. It is about control by the Government, mandate by the Government, or freedom and responsibility for loving parents.

Mr. Chairman, I say vote "no" on the Markey amendment; vote "yes" on the Coburn amendment. Dare to try a public policy that bets on the goodness of the American people, rather than the guile of the Federal Government.

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Mr. WAXMAN. Mr. Chairman, there is wide agreement in this country that violent and sexually explicit programming desensitizes children and can influence their behavior and emotional development. But changes in society and technology have made it more difficult for parents to monitor their children's exposure to television programming. The challenge we have today is to provide parents with new and better tools without involving the Government in the determination and distribution of content.

If we give the Federal Government the authority to establish a ratings committee, to determine its members, and to assess the adequacy of the ratings that are established, we will be in violation of the first amendment. Such a process will inevitably become politicized by Members of Congress dissatisfied with the ratings that are established and they will want to impose their own judgment on content regulation. This approach will result in years of litigation and ultimate rejection by the Federal courts.

As much as the American people resent unwanted exposure to offensive programming, they have a strong belief in protection against Government censorship. I urge my colleagues to oppose a mandatory system that would undermine the first amendment and instead work to craft a policy that balances our desire to help parents protect their children with the fundamental right of free speech.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announced that in the event a recorded vote is ordered on the underlying Markey substitute, that vote will be reduced to 5 minutes.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 201, not voting 11, as follows:

[Roll No. 633]

AYES—222

| | | |
|---|---|---|
| Ackerman | Boucher | Collins (GA) |
| Allard | Brewster | Combest |
| Archer | Brownback | Condit |
| Armey | Bryant (TN) | Cooley |
| Bachus | Bunn | Cox |
| Baker (CA) | Bunning | Crane |
| Baker (LA) | Burr | Crapo |
| Ballenger | Buyer | Cremeans |
| Barcia | Callahan | Cubin |
| Barr | Calvert | Cunningham |
| Barrett (NE) | Camp | Deal |
| Barton | Canady | DeLay |
| Bass | Castle | Dickey |
| Bereuter | Chabot | Dicks |
| Bevill | Chambliss | Doolittle |
| Bilbray | Chapman | Doyle |
| Bilirakis | Chenoweth | Dreier |
| Bliley | Christensen | Duncan |
| Blute | Chrysler | Dunn |
| Boehner | Clinger | Ehrlich |
| Bonilla | Coble | Emerson |
| Bono | Coburn | English |
| Ensign | Klug | Richardson |
| Everett | Knollenberg | Riggs |
| Ewing | Kolbe | Roberts |
| Fawell | LaHood | Rogers |
| Fields (TX) | Largent | Rohrabacher |
| Flanagan | Latham | Ros-Lehtinen |
| Foley | LaTourette | Rose |
| Forbes | Laughlin | Royce |
| Fowler | Lazio | Salmon |
| Fox | Lewis (KY) | Sanford |
| Franks (CT) | Lightfoot | Saxton |
| Franks (NJ) | Lincoln | Schaefer |
| Frelinghuysen | Linder | Schiff |
| Frisa | Livingston | Seastrand |
| Gallegly | LoBiondo | Shadegg |
| Ganske | Longley | Shaw |
| Gekas | Lucas | Shays |
| Geren | Manton | Smith (MI) |
| Gilchrest | Manzullo | Smith (TX) |
| Goodling | Martini | Smith (WA) |
| Goss | Mataui | Spence |
| Graham | McCollum | Stearns |
| Greenwood | McCrery | Stenholm |
| Gunderson | McDade | Stump |
| Gutknecht | McHale | Talent |
| Hall (TX) | McHugh | Tate |
| Hancock | McIntosh | Tauzin |
| Hansen | Metcalf | Taylor (NC) |
| Harman | Mica | Thomas |
| Hastert | Miller (FL) | Thornberry |
| Hastings (WA) | Molinari | Thornton |
| Hayworth | Moorhead | Tiahrt |
| Heineman | Myrick | Torkildsen |
| Herger | Nadler | Towns |
| Hilleary | Neal | Traficant |
| Hobson | Nethercutt | Tucker |
| Hoekstra | Neumann | Vucanovich |
| Hoke | Ney | Waldholtz |
| Holden | Norwood | Walker |
| Hostettler | Nusale | Walsh |
| Houghton | Orton | Wamp |
| Hutchinson | Packard | Waters |
| Inglis | Parker | Watts (OK) |
| Istook | Paxon | Waxman |
| Johnson, Sam | Peterson (MN) | Weldon (FL) |
| Kasich | Pombo | Weldon (PA) |
| Kelly | Porter | Weller |
| Kennedy (RI) | Portman | White |
| Kim | Pryce | Whitfield |
| King | Radanovich | Wicker |
| Kingston | Ramstad | Zeliff |
| Kleczka | Regula | Zimmer |

NOES—201

| | | |
|---|---|---|
| Abercrombie | Edwards | Johnston |
| Baesler | Ehlers | Jones |
| Baldacci | Engel | Kanjorski |
| Barrett (WI) | Eshoo | Kaptur |
| Bartlett | Evans | Kennedy (MA) |
| Becerra | Farr | Kennelly |
| Beilenson | Fattah | Kildee |
| Bentsen | Fazio | Klink |
| Bereuter | Fields (LA) | LaFalce |
| Bishop | Filner | Lantos |
| Boehlert | Flake | Leach |
| Bonior | Foglietta | Levin |
| Borski | Ford | Lewis (CA) |
| Browder | Frank (MA) | Lewis (GA) |
| Brown (CA) | Frost | Lipinski |
| Brown (FL) | Funderburk | Lofgren |
| Brown (OH) | Furse | Lowey |
| Bryant (TX) | Gejdenson | Luther |
| Burton | Gephardt | Maloney |
| Cardin | Gibbons | Markey |
| Clay | Gillmor | Martinez |
| Clayton | Gilman | Mascara |
| Clement | Gonzalez | McCarthy |
| Clyburn | Goodlatte | McDermott |
| Coleman | Gordon | McInnis |
| Collins (IL) | Green | McKeon |
| Collins (MI) | Gutierrez | McKinney |
| Conyers | Hall (OH) | McNulty |
| Costello | Hamilton | Meehan |
| Coyne | Hastings (FL) | Meek |
| Cramer | Hayes | Menendez |
| Danner | Hefley | Meyers |
| Davis | Hefner | Mfume |
| de la Garza | Hilliard | Miller (CA) |
| DeFazio | Hinchey | Mineta |
| DeLauro | Horn | Minge |
| Dellums | Hoyer | Mink |
| Deutsch | Hunter | Mollohan |
| Diaz-Balart | Hyde | Montgomery |
| Dingell | Jackson-Lee | Moran |
| Dixon | Jacobs | Morella |
| Doggett | Jefferson | Murtha |
| Dooley | Johnson (CT) | Myers |
| Dornan | Johnson (SD) | Oberstar |
| Durbin | Johnson, E. B. | Obey |
| Olver | Sabo | Stupak |
| Owens | Sanders | Tanner |
| Oxley | Sawyer | Taylor (MS) |
| Pallone | Schroeder | Tejeda |
| Pastor | Schumer | Thompson |
| Payne (NJ) | Scott | Torres |
| Payne (VA) | Serrano | Torricelli |
| Pelosi | Shuster | Upton |
| Peterson (FL) | Sisisky | Velazquez |
| Petri | Skaggs | Vento |
| Pickett | Skeen | Visclosky |
| Pomeroy | Skelton | Volkmer |
| Poshard | Slaughter | Ward |
| Rahall | Smith (NJ) | Watt (NC) |
| Rangel | Solomon | Wilson |
| Reed | Souder | Wise |
| Rivers | Spratt | Wolf |
| Roemer | Stark | Woolsey |
| Roth | Stockman | Wyden |
| Roukema | Stokes | Wynn |
| Roybal-Allard | Studds | Yates |
| Rush | Stump | Young (FL) |

NOT VOTING—11

| | | |
|---|---|---|
| Andrews | Quillen | Thurman |
| Bateman | Quinn | Williams |
| Moakley | Reynolds | Young (AK) |
| Ortiz | Scarborough | |

□ 1436

Mr. MINGE and Mr. DORNAN changed their vote from "aye" to "no."

Messrs. METCALF, MCHALE, GREENWOOD, HOUGHTON, LEWIS of Kentucky, MATSUI, HOLDEN, CHAPMAN, and Mrs. VUCANOVICH changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mrs. MINK of Hawaii. Mr. Chairman, today I rise in strong opposition to H.R. 1555. The initial aim of this legislation was just to deregulate the communications industry, create completion, lower prices and improve telecommunications services. What we have before us today is actually the opposite. It stifles competition and is anti-consumer and creates monopolies.

H.R. 1555, with its manager's amendment, promotes monopolies at the expense of competition through mergers and concentrations of power.

H.R. 1555 allows local exchange carriers that compete in the long-distance market to discriminate against long-distance competitors by giving preferential treatment to its own long-distance operations in pricing and providing access services. In the overwhelming majority of markets today, local exchange carriers maintain control over the essential facilities that are needed to complete telephone services. The inability of other service providers to gain access to the local phone carrier's equipment will inhibit fair competition.

When you allow an excessive number of in-region buyouts between telephone companies and cable operators and permit the acquisition of an unlimited number of radio stations and newspapers, you stifle competition and suppress the diversity of content and viewpoints.

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Instead of generating competition, H.R. 1555 would let cable and phone companies merge in communities of less than 50,000. As a result, nearly 40 percent of the Nation's homes could end up being served by cable and phone monopolies. This will limit access and stifle diversity of content and orchestrate conformity of viewpoint. Allowing one individual to own up to 50 percent of an industry destroys competition and filters the amount of information that citizens receive. This is contrary to our sacred rights of freedom and cripples diversity.

In 1984, Congress enacted omnibus cable legislation which, in essence, deregulated the cable industry. While this deregulation encouraged further expansion of the industry, it also gave many cable operators the opportunity to exploit their monopoly status and raise rates on subscribers. In response to consumer complaints, Congress passed the 1992 Cable Act to restrain monopoly price hikes and encourage the development of competition by making access to cable programming available to competitors. As a result of the 1992 act, cable rates stabilized and costs to consumers for equipment and installation dropped in many locations. But now, passage of H.R. 1555 threatens the affordability and quality of basic service for all cable subscribers. Do we really want to return to those days when cable companies charged consumers exorbitant rates?

Perhaps the most detrimental effect of this bill is eliminating the authority of the Justice Department to review anti-trust practices. Not allowing the Department of Justice to evaluate a request to enter the long distance market increases the probability that a phone company, like the Bell operating company or its affiliates, could use market power to substantially impede competition in the manufacturing or long-distance market. We need the Justice Department to be involved in this process to ensure adequate competition and protect the rights of consumers.

H.R. 1555 needs to deal with the issue of harmful, violent, pornographic, obscene programming our children are exposed to. I favor including V-chips on TV sets because parents, not the Government should decide what to block. Under this plan, cable programmers decide what ratings will be attached to a particular show and parents then can choose if the material is suitable for their children through the use of the V-chip. This is not censorship; this is the right to protect our children.

This bill makes sweeping changes to current telecommunications laws. Instead of creating more choices for consumers, this bill creates monopolies and stifles competition. We must not allow this kind of concentration of telecommunications. Instead we should be finding ways to provide universal service in all aspects of telecommunications. What we should be doing is promoting competition so there will be choices; so that the consumers will have the ability to pick and choose. This bill harms consumers and I urge my colleagues to vote against H.R. 1555.

Mr. SANDERS. Mr. Chairman, this telecommunications bill cripples consumer protections and should be soundly rejected. It is being touted as pro consumer when, in reality, it will cause inflated rates and will limit consumer choice. It is touted as pro-competition when it actually promotes mergers and the concentration of power.

It ignores the success of the 1992 cable regulations which provided some $3 billion in savings to cable consumers. It deregulates cable rates within 15 months and immediately deregulates cable companies that serve about 47 percent of Vermont's cable subscribers. In rural areas there just aren't enough customers to sustain more than one or two local cable companies. Without sensible regulation, these companies would be able to raise rates on their captive consumers.

Furthermore, if this bill becomes law, the FCC would no longer be allowed to review rate increases when it receives a customer complaint. The greater of 10 subscribers or 5 percent of the subscribers must complain before the FCC can review a rate hike.

This bill also substantially weakens laws that prevent media monopolies and removes the law that prohibits one owner from controlling the major newspapers, networks, and cable stations that serve a community. It makes it easy for a handful of media moguls to buy up every source of news, especially in rural areas. This would lead to less diversity of opinion, more prepackaged programming, and less local programming.

This bill has been widely criticized by virtually all consumer advocacy groups, President Clinton has threatened a veto, and I strongly urge a "no" vote.

Mr. COSTELLO. Mr. Chairman, I rise today to offer my comments on H.R. 1555, the Communications Act of 1995.

I support reforming our telecommunications industry so that it can move into the future and help all American consumers. I consider this legislation one of the most important bills we will vote on this year, perhaps this entire session, since it will impact every single American consumer.

From the beginning of this session, the intent of this legislation was to free up competition in local markets, to allow long-distance companies to begin competing with local Bell companies for local service, and allow the Bells to enter the long-distance market. That was the thrust of the legislation which was passed several weeks ago by the Commerce Committee.

However, early this week, Speaker GINGRICH directed the chairman of the Commerce Committee to alter the bill, in an amendment approved today. It makes drastic changes to the telecommunications legislation, changes which saw no hearing and upset the careful balance achieved by the committee bill.

This legislation now repeals the regulations on cable companies which are intended to keep rates low, meaning we could see a return to the late 1980's and early 1990's when cable rates skyrocketed. In addition, it removes any role of the Justice Department, which should have a hand in ensuring that monopolies are not created by this bill.

My intent is to pass legislation which enhances technology access and provides the consumer with a wider range of telecommunications opportunities at a reduced cost. However, this bill as written is weighted too heavily against balanced competition, which is essential to benefit the consumer, the Bell companies and the long-distance telephone companies.

Mr. Speaker, I want telecommunications reform. However, I will vote against final passage of this bill in its current form.

Mr. BONILLA. Mr. Chairman, I rise today in support of H.R. 1555, The Communications Act of 1995. This legislation benefits all Americans including those living in rural America. Those living on the ranches, farms and small towns of south and west Texas will benefit along with those living in San Antonio and other big cities. It is essential that our rural residents continue to have equal and affordable phone service.

This bill protects universal service while promoting technological advances—rural Americans should share in the benefits of these technologies. I believe that this bill gives proper consideration to providing protection for rural communities where our consumers are spread thinner and the cost for providing services can be much higher. I'm pleased that this bill recognizes that our rural communities operate under unique service conditions which must be addressed.

This bill broadly deregulates and opens markets to fair competition, while providing protections to rural local telephone companies. Low cost and availability of service have always been the concerns of rural telecommunications customers in communities like Alpine and Del City, TX. H.R. 1555 contains important protection for these communities including universal service principles that provide for comparable rural/urban rates and service, as well as a contribution to the support of universal service by all providers of telecommunications services.

This bill establishes a Federal-State joint board to recommend actions that the Federal Communications Commission and States should take to preserve universal service. This joint board will evaluate universal service as our telecommunications market changes from one characterized by monopoly to one of competition. The board will base its policies for preservation of universal service on the concept that any plan adopted must maintain just and reasonable rates. It will work with a broad recommendation to define the nature and extent of services which comprise universal service. The board will also plan to provide adequate and sustainable support mechanisms and require equitable and non-discriminatory contributions from all providers to support the plan. The plan seeks to promote access for rural areas to receive advanced telecommunications services and reasonably comparable services. The board will also base its policies on recommendations to ensure access to advanced telecommunications services for students in elementary and secondary schools in our rural areas.

The purpose of H.R. 1555 is to promote competition and reduce burdensome regulations in order to secure lower prices and higher quality services for all American consumers, including those that live in rural areas. Without the policy and direction provided in this bill, the transition for our rural communities into the information age would be restricted.

The residents of all rural areas of our country, including the 23d District of Texas deserve nothing less than the chance to participate in the new technologies, services and market conditions that will affect us well into the next century. This bill gives them that opportunity. Let's not deny our rural residents this chance. I respectively urge you join me and vote for H.R. 1555, The Communications Act of 1995.

Mr. BARTON of Texas. Mr. Chairman, independent directory publishers currently rely on local telephone companies, who hold over 96 percent of the telephone directory market and

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have total control over access to subscriber list information. Section 222(a) of H.R. 1555 requires carriers providing local exchange phone service to provide this information on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request.

Independent publishers have pioneered many of the innovations in the directory industry, including coupons and zip code listings. Yet, because of problems in accessing subscriber listing information at reasonable rates, many independent publishers now find it extremely difficult to compete. In many States, independent publishers are forced to wait until the local carrier's directories are published before they can obtain the subscriber list information necessary to publish their own directories.

Even when subscriber lists are available, independent publishers often encounter significant competitive obstacles. As the Commerce Committee report on this provision indicates, over the past decade, some local exchange carriers have charged excessive and discriminatory prices for subscriber listings. In one case in my area of the country, a jury awarded $15 million in damages when it found that a telephone company had raised listing prices by 200 percent in an effort to drive an independent publisher out of business.

The Commerce Committee report makes it clear that (r)easonable terms and conditions include, but are not limited to, the ability to purchase listings and updates on a periodic basis at reasonable prices, by zip code or area code, and in electronic format. The report further indicates that Section 222(a) should ensure that telephone companies will be fairly compensated. In order to avoid future excessive pricing, this statement incorporates the concept that prices be based on the incremental cost of providing the information to the independent publishers.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I support many of the improvements to telecommunications law which are contained in H.R. 1555, and I have worked long and hard to ensure open competition in the telecommunications marketplace. Nevertheless, I found it necessary to oppose H.R. 1555 on final passage.

My rationale for opposing the bill stems primarily from my concern for small minority businesses in the industry. Often, a complete deregulation results in the larger, more well-established companies consuming those small businesses that have created a niche for themselves in an industry. H.R. 1555, in its current form, offers little protection for small minority businesses in the telecommunications industry. Minority ownership of telecommunications companies, most notably radio and television station ownership, is threatened by the bill, and out of respect for the minority media industry, I opposed the bill. Mr. Chairman, I hope that as we proceed to conference with the Senate on this legislation, we can focus more closely on the needs of minorities in the ownership of media organizations.

Finally, I wish to stress that my vote today was not an objection to the inexorable progress of technology in the telecommunications industry. I realize that this progress is coming, and will be a part of our society in the future. I welcome this new technology, and hope that all Americans can be included in the promise this progress holds.

Mr. STARK. Mr. Chairman, I am very disappointed that the cable television industry will be deregulated as a result of the Telecommunications Act of 1995. Many of the consumer safeguards that resulted from the 1992 Cable Act are being swept away as a result of this legislation. The 1992 Cable Act helped keep the cable operators honest and was effective in saving consumers approximately $3 billion. True competition is still a few years away and without the necessary protections, cable operators will very likely raise their rates and overcharge their costumers for service.

From 1986–1992, when the cable industry was last deregulated, cable prices rose at three times the rate of inflation. Only when the Congress passed legislation in 1992 did the cable operators become more responsible. If cable regulations are removed, the consumers of this country will suffer.

Mr. ORTON. Mr. Chairman, H.R. 1555, the "Communications Act of 1995" makes major changes in our telecommunications industry. These changes will have a profound effect on consumers, on businesses, and on our society.

While much of the focus of this bill has been on industry giants fighting for market share, a number of us in the House have been very concerned about the effect of these changes on the availability and affordability of access for all Americans to emerging technologies, through the Information Superhighway.

As this bill made its way to the floor, it became apparent that the legislation simply did not contain adequate provisions to promote and ensure affordable access to this Information Superhighway for our Nation's elementary and secondary schools, public libraries, and rural hospitals.

Therefore, I joined my colleagues CONNIE MORELLA of Maryland, ZOE LOFGREN of California, and BOB NEY of Ohio in offering an amendment to the bill to address this important issue.

We were of course disappointed that the Rules Committee failed to make our amendment in order. However, we were most heartened last night to hear the distinguished chairman of the House Commerce Committee acknowledge that such a provision is included in the Senate bill, and give his assurance that he will work to see this preserved, so that the intent our amendment will be carried out in the final legislation.

I certainly understand how time constraints may have prevented the consideration of our amendment, as well as many other important amendments. However, I believe that our proposal has strong bipartisan support, and that it would have passed, if we had an opportunity to vote on this amendment.

Therefore, the chairman's comments on the floor last night are most appreciated. They serve to clarify that the failure to have an affordable access provision in H.R. 1555 does not indicate a lack of support in the House for such a provision. And, combined with the provisions in the Senate bill, they give us strong hope that such provisions will be included in any conference bill we send to the President.

Let me explain why this provision is so important. Almost everyone understands that the telecommunications revolution is changing our life, providing exciting new opportunities. Distance learning can provide tremendous opportunities to schools with limited resources. Access to the Internet can dramatically expand the resources of libraries. And the emergence of telemedicine holds hope for cost-efficient advances in health care, especially for rural patients and hospitals.

Yet, as our society increasingly takes advantage of the Information Superhighway, with its myriad applications, we face a very real danger that millions of Americans living in rural areas or of modest means may be left off. For example, today only 12 percent of the Nation's classrooms even have a telephone line, and just 3 percent are connected to the Internet. The danger is that we may create a society of information haves and have-nots.

The Senate recognized the importance of this issue by approving the Snowe-Rockefeller-Exon-Kerry amendment to the Senate telecommunications bill, S. 652. Under the Senate bill, providers of advanced telecommunications services are required, upon a bona fide request, to provide such services to elementary and secondary schools and libraries at discounted and affordable rates. In addition, such services shall be provided to rural health care facilities and hospitals at "rates that are reasonably comparable to rates charged for similar services in urban areas."

In contrast, the House bill does not contain language which effectively addresses the issue of affordable access. Instead, there is only a weak reference to this issue in section 247, the section of the bill which provides for the preservation of universal service.

Under this section, a joint Federal/State board is required to make recommendations to the FCC and State public utility commissions for the preservation of universal service. Subsection (b) goes on to identify principles that this joint board should base its recommendations on. Subsection 5 addresses the issue of access to advanced telecommunications services. Specifically, subsection 5 says this plan should include recommendations to "ensure access to advanced telecommunications services for students in elementary and secondary schools."

In simple terms, advanced telecommunications services are the means of access to the Internet, the emerging Information Superhighway. As such, this language is clearly inadequate. By itself, ensuring access is an empty and meaningless proposition. Access to anything is generally available, at a certain price. To be meaningful, such access must be affordable.

By way of illustration, 30 years ago, every American had access to college. That is, anyone could file an application, and probably pay the $20 or so application fee. However, without student loans and other financial assistance, such access was meaningless for millions of Americans. Only if access is affordable is it meaningful.

Therefore, the Morella-Orton-Ney-Lofgren amendment would have addressed this issue by adding the word affordable to the access requirement in section 247(b)(5). Second, our amendment would have expanded the range of those institutions eligible for affordable access to the Information Superhighway to include public libraries and rural hospitals engaging in telemedicine.

In offering this amendment, we had strong support from numerous organizations active in this area. At the end of my statement, I would like to include a letter of support from 33 organizations, including the National Association of

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State Boards of Education, the National Education Association, the American Library Association, the International Telecomputing Consortium, and many others.

To quote from this letter:

without a national commitment to ensuring affordable access to emerging telecommunications, the United States will fall short in preparing all of its citizens to compete in the new global, information-based economy. . . . Unfortunately, H.R. 1555 lacks strong language which makes that necessary commitment. . . . We encourage you to adopt language in H.R. 1555 which ensures elementary and secondary schools and pubic libraries affordable access to the telecommunications and information technologies which are the future of American prosperity.

As we move to conference, I know I am joined by many others in the House who care deeply about the preservation of an affordable access provision. I am pleased to see strong provisions in the Senate bill, and heartened to hear the House Commerce Committee chairman's commitment to this issue in the House. Inclusion of this provision in a telecommunications conference bill which becomes law will be a critical step in making the technological advances of the 21st century available and affordable for all Americans.

SUPPORT AFFORDABLE TELECOMMUNICATIONS ACCESS FOR OUR NATION'S SCHOOLS AND LIBRARIES

*July 26, 1995.*

*Member, U.S. House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE: The following organizations are writing to ask for your support of the Orton/Morella amendment providing for affordable access to the Information Superhighway for schools, public libraries, and rural telemedicine. This amendment is expected to be offered to H.R. 1555, the Communications Act of 1995.

We cannot expect to increase the productivity of our schools and increase the learning at the rates that are needed without affordable access to technology. The Orton/Morella amendment includes provisions that will ensure that all of our Nation's elementary and secondary schools and public libraries have universal and affordable access to telecommunications and information services.

The National Information Infrastructure (NII) promoted by H.R. 1555, and a technologically literate public, together form the foundation of America's future competitiveness and economic growth. However, without a national commitment to ensuring affordable access to emerging telecommunications, the United States will fall short in preparing all of its citizens to compete in the new global, information-based economy. And it is clear that commitment has not yet been made. For example, less than three percent of American classrooms and only 21 percent of our public libraries (13 percent in rural areas) have access to advanced telecommunications services infrastructure for instructional purposes.

Unfortunately, H.R. 1555 lacks strong language which makes that necessary commitment. First, the measure fails to recognize the critical role of public libraries in providing information services to the communities they serve. Perhaps more importantly, though, it fails to recognize that unless schools and libraries and the people they serve are able to access the NII affordably, the tremendous resources available on the Information Superhighway will not be utilized to their fullest potential.

We encourage you to adopt language in H.R. 1555 which ensures elementary and secondary schools and public libraries affordable access to the telecommunications and information technologies which are the future of American prosperity.

Specfically, we are requesting that the House Rules Committee make the Orton/Morella amendment in order or that the provisions of this amendment be included in a managers amendment to H.R. 1555.

Sincerely,

American Association of Community Colleges (AACC), American Association of School Administrators (AASA), American Federation of Teachers (AFT), American Library Association (ALA), American Psychological Association (APA), Association for the Advancement of Technology in Education (AATE), Association for Educational Communications and Technology (AECT), Association for Supervision & Curriculum Development (ASCD), Coalition of Adult Education Organizations (CAEO), California DC Education Alliance: California Teachers Association, Association of California School Administrators, Urban School Districts in California, California Department of Education, Center for Media Education (CME), Computer Using Educators (CUE), Council for American Private Education (CAPE), Coucil of Chief State School Officers (CCSSO), Council for Educational Development and Research (CEDAR), Council of Great City Schools (CGCS), Consortium for School Networking (CoSN), Educational Testing Service (ETS), Far West Laboratory (FWL), Federation of Behavioral Psychological and Cognitive Sciences (FBPCS), The Global Village Institute, Instructional Telecommunications Council (ITC), International Telecomputing Consortium, National Association of State Boards of Education (NASBE), National Association of Elementary School Principals (NAESP), National Association of Secondary School Principals (NASSP), National Education Association (NEA), National School Boards Association (NSBA), Organizations Concerned about Rural Education (OCRE), Public Broadcasting Service (PBS), Triangle Coalition for Science and Technology Education (Triangle), U.S. Distance Learning Association (USDLA), Western Cooperative for Educational Telecommunications.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to speak on H.R. 1555, the Communications Act of 1995.

I am going to support H.R. 1555—but with reservations.

I am concerned, for instance, over the very complicated relationship between long-distance carriers and the local companies.

Over the past few weeks, after this bill was reported out of committee, this complex measure has been revised considerably.

I have no doubt the extra work was necessary to some extent in order to level the playing field. H.R. 1555 is an exceedingly complex bill that will impact every American.

It is always difficult to substantially change the landscape of entire industries—as H.R. 1555 does.

My preference is that we take the time to continue to address what I see are problems with this legislation. If it takes a few extra weeks or months, so be it.

The legislative process, however, is about compromise. And so in the end, I voted for final passage of H.R. 1555. It does promote additional competition, and opens up many barriers between telephone and cable services, and indeed, the entire telecommunications industry.

It also corrects many of the problems with the Cable Act of 1993.

Mr. Chairman, I voted for this measure because, though I don't agree with all of its provisions, it accomplishes a great deal.

We have moved forward with this bill. On balance, I believe it will be good for the American people.

Mr. PORTMAN. Mr. Chairman, I rise in support of this carefully crafted legislation because I think it will be good for the consumer. However, I do have some concerns about the impact of this bill on my constituents, who for more than a century have been provided with excellent telecommunications service by Cincinnati Bell. Notwithstanding its name, Cincinnati Bell is an independent—not a regional Bell—company. It has installed in our area one of the most modern and technologically sophisticated local networks. This benefits consumers in our area. In fact, because of Cincinnati Bell's strong commitment to serving the Greater Cincinnati area, we also have among the highest rate of universal service in the country.

Mr. Chairman, I support the pending legislation. But, the Senate bill in some ways better recognizes the circumstances of a company like Cincinnati Bell, and the consumers they serve, than the legislation before us. That is why I rise today to encourage my colleagues to join me in urging our conferees to pay particular attention to the needs of the people served by independent companies like Cincinnati Bell when this legislation is considered in conference.

Mr. FAZIO. Mr. Chairman, although we are well into the Information Age, our Government's response to the need to revamp our national telecommunications policy lags behind. Technological advances make possible the formation of new and hybrid services that do not fit into traditional categories, creating for the first time the possibility of true competition in many telecommunication fields. Today we have the opportunity to make our national telecommunications policies respond to the dynamic age in which we live.

I support final passage of this legislation because I believe it is critical for telecommunications policy in this country to move forward. If we proceed with the status quo, consumers will continue to be denied state-of-the-art services and products. U.S. competitiveness in telecommunications will continue to be in jeopardy due to antiquated restrictions on involvement in new technology. Industry and investors will not be able to effectively plan for the future. After years of debating this bill, it is time for Congress to step up to the plate.

H.R. 1555 would lift the current restrictions that prevent the telephone, cable television, broadcast television and other companies from competing in each others markets. This legislation will pave the way for a new climate where competition would replace monopoly regulation in the communication sector. H.R. 1555 will allow our country to take an important leap forward in the information age, gradually allowing telecommunications companies into other communications technologies, while guaranteeing ample consumer protections. This new competition will provide long-term consumer benefits in terms of more competitive pricing and increased choice in service.

However, it is with some reservation that I come to support final passage. I regret that some of the more contentious provisions of this bill were not resolved through the more

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traditional committee process. I think it is important to note that just 1 year ago, this body passed a similar plan to revamp telecommunication law which gathered much broader support. I believe that this bill struck a more balanced approach, evidenced by the overwhelming vote of 430 to 3 in the House of Representatives.

Nevertheless, the overall need for telecommunications reform demands that Congress act on H.R. 1555. As the millennium approaches, we must ensure that our Nation is equipped for the global challenges of the new information age. We must ensure our children have access to the information infrastructure that is rapidly developing. Passage of a comprehensive telecommunications reform measure is needed now.

Mr. ROSE. Mr. Chairman, I rise to express serious concerns over H.R. 1555, the big telecommunications bill. Like a lot of the legislation that is considered by this body, this legislation has its good points and its bad points. After hearing from many of my friends on all sides of this issue and studying the ramifications of passing this legislation, I am convinced that H.R. 1555 needs to be sent back to committee for some reconstructive surgery. I understand that this legislation passed the Commerce Committee with a strong bipartisan vote. But that did not last. It appears that the manager's amendment is about to change the looks of H.R. 1555 a bit, in fact, quite a bit. In the process, it has all but ignored H.R. 1528, which the Judiciary Committee voted out 29 to 1 to give the Justice Department an active role.

I have great respect for the Speaker of this House because of our shared interest in information technology and its utilization to guarantee the free flow of information. But I have greater respect for the process that we use to conduct business in this House of Representatives and I believe that the process that allowed H.R. 1555 to come before us tonight has been flawed. This House can and should do better. Even some of my friends on the other side of the aisle have some real problems with being forced to vote on this bill at this time.

Mr. Speaker, we have such an opportunity here to pass legislation that can really benefit the American people and be fair to all those concerned. I submit to you that Congress should not be in the business of picking winners and losers in the private sector, but that is exactly what we are doing if we do not spend more time fine tuning H.R. 1555. If Congress gets it right we will have done a great deed for the American people—get it wrong and we have done them a great injustice.

For those of us like myself who really want to see the passage of comprehensive telecommunications legislation we have only one real choice. Send this legislation back to the committee and let's get it right. Mark Twain said it years ago better than I: "The difference between right and almost right is like the difference between a lightning bug and lightning". This legislation is far too important to rush through in the middle of the night. Too many amendments were denied consideration on the floor, in an effort to adjourn by Friday. Let's send H.R. 1555 back to committee and craft a piece of legislation that can be ungrudgingly supported by all Members of this House.

Mr. NORWOOD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I am pleased today to support H.R. 1555, the Communications Act of 1995. I know this has been a long, tedious process with a wide range of industries taking keen interest in every jot and title of this bill.

But Mr. Chairman, as the Titans of industry have waged their battle over this piece of legislation, it is important to note that the primary beneficiary will be and ought to be the American consumer of telephone, cable and all communications services. As the markets open up in these areas and real competition is realized, just as we've seen in the video and computer industry, we will have better technology at lower prices.

Mr. Chairman, I can't let this moment pass without commenting on the battle between the Bells and long distance that is raging still. As the gentlemen from Texas and Virginia have done, I had representatives from both interests in my office at the same time to talk with each other and try to resolve their differences. Perhaps at the end of this process we will finally see an agreeable solution. I realize that one party wants free access to all markets—which eventually I believe will happen—and the other is asking for a reasonable transition period of regulation so their markets are not taken away by the companies that own the phone lines. This bill, however imperfectly, does establish this balance.

As my friend from Washington, Mr. WHITE, has graciously reminded me throughout the process—I thank him for his advice and help—the Congress is the one entity that is trying to strike the most fair balance. The other parties own huge interests in getting their way, or at least getting a "fair advantage," to borrow a phrase from the chairman from Virginia.

I would also like to thank Mr. BLILEY and Mr. FIELDS for their hard work on this bill and many long hours and still more frequent meetings and hearings that made this legislation possible. I appreciate their concern for the smaller rural phone companies that could have been severely hurt by much bigger companies during the transition period to deregulation.

The chairmen also know my concern about the Federal Communications Commission's regulatory underbrush that still exists for common carriers. I appreciate the adoption of Mr. BOUCHER'S amendment in the Commerce Committee that did lighten the load by removing regulations created for another era. Perhaps we can work on further regulatory relief in the future that would unburden common carriers even more. I am particularly concerned about the smaller carriers that may not have the resources or the legal staff to push the amount of paper that the FCC demands.

Mr. Chairman, I support this bill. A bill this large cannot be perfect. But it does get us way down the road to competition, free markets, better technology and lower prices for the consumer. I urge its passage.

Mr. KLUG. Mr. Chairman, I would like to respond to the statements made on August 1, 1995 by my colleague, the gentlewoman from California [Ms. ESHOO] concerning H.R. 1555, the Communications Act.

In her remarks about cable compatibility, she would have us believe that it is a classic disagreement between the evil, foreign television manufacturers and the good, domestic technology firms. I do not believe the 30,000 Americans, employed in the manufacturing of 14 million television receivers annually for domestic and foreign sales, would agree with her characterization. The percentage of imported computers, is nearly identical to that of imported TV's, about 30 percent.

The gentlewoman would also like us to believe that her amendment would protect future technology. While it would protect the interest of proprietary technology, especially that of a home automation company in her home State, it would harm retailers, consumers, and that of television manufacturers. A wide variety of groups including the National Association of Retail Dealers and the National Consumers League have opposed the Eshoo amendment. I think it is especially significant when both retailers and consumers are on the same side of an issue as they are in this case.

Cable compatibility is a very technical issue, and one which the industry has been considering for over 2 years. The gentlewoman's amendment, which has not had a hearing, would actually thwart market competition and stifle advancing technology.

I would urge my colleagues who are conferees on this bill to take a closer look at what the Eshoo language does. I think you will find that real world technology is exactly the opposite of what Ms. ESHOO would have us believe.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of H.R. 1555. This vital legislation makes long overdue changes to current communications laws by eliminating the legal barriers that prevent true competition.

I am particularly pleased that H.R. 1555 will break down barriers to telecommunications for people with disabilities by requiring that carriers and manufacturers of telecommunications equipment make their network services and equipment accessible to and usable by people with disabilities. The time is past for all persons to have access to telecommunications services.

H.R. 1555 assigns to the FCC the regulatory functions of ensuring that the Bell companies have complied with all of the conditions that we have imposed on their entry into long distance. This bill requires the Bell companies to interconnect with their competitors and to provide to them the features, functions, and capabilities of the Bell companies' networks that the new entrants need to compete. It also contains other checks and balances to ensure that competition in local and long distance grows.

The Justice Department still has the role that was granted to it under the Sherman and Clayton Acts and other antitrust laws. Their role is to enforce the anti-trust laws and ensure that all companies comply with the requirements of the bill.

The Department of Justice enforces the antitrust laws of this country. It is a role that they have performed well. The Department of Justice is not and should not be a regulating agency: it is an enforcement agency.

Mr. Speaker, it is time to open our telecommunications market to true competition. This legislation is long overdue. I encourage my colleagues to support H.R. 1555.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to this legislation, disappointed that such an important and necessary bill has fallen victim to the Republican leadership's knee-jerk acquiescence to the

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profit-driven whims of corporate America at the expense of average America.

I support comprehensive reform of our Nation's outdated communications laws. During the 103d Congress I voted in favor of legislation which passed this House 423 to 4 and would have gone a long way toward opening all telecommunications markets under equitable rules, promoting competition and protecting consumers. Believe me, H.R. 1555 is a far cry from the sensible approach this body took last year on this issue.

To begin with, H.R. 1555 guts the 1992 Cable Act, which has saved consumers $3 billion in inflated monopoly fee hikes. Despite the fact that 67 percent of consumers support rate regulation and 65 percent of cable customers still believe their bills are too high, H.R. 1555 lifts cable rate regulation on the most popular cable programming immediately for smaller cable operators and 15 months after enactment of this bill for the largest operators, regardless of the competitive nature of their markets. It is estimated that this bill will increase cable bills an average of $5 monthly per individual.

Where is the sense Mr. Chairman? According to the General Accounting Office, deregulation of the cable industry prior to effective competition in 1984 resulted in a monumental rise in cable rates at three times the rate of inflation. Given the fact that effective competition exists in less than ½ of 1 percent of all cable systems nationwide and affordable cable TV alternatives for 99.5 percent of consumers from phone companies or satellite providers is not yet fully feasible, swiftly opening up these markets can only spur price gouging.

Ironically, on top of this, H.R. 1555 also raises the complaint threshold that it takes to trigger an FCC investigation of price gouging by a cable operator to a standard that has to date rarely been met by any community seeking such relief from the FCC. Talk about a bill that targets consumers in its crosshairs.

But there's more. H.R. 1555's provisions on mass media ownership virtually guarantee that power will be concentrated among a select few communications megacorporations, sacrificing the key tenets of communications policy—community control and variety of viewpoints. This legislation repeals all ownership limits on radio stations, allows one network to control programming reaching 50 percent of all households nationwide, gives one major communications entity the ability to own newspapers, cable systems, and television stations in a single town. This type of excessive media control is not a healthy prescription for competition.

All one has to do is read the recent newspaper headlines to realize that the industry Goliaths are making deals left and right, salivating in anticipation of this legislation's passage and the huge windfall it will bring them. Luckily, President Clinton has cited the unprecedented media concentration promoted by this legislation as a major stumbling block that would bring his veto.

Over the last few weeks hundreds of my constituents have contacted my office to express their opposition to the aforementioned anticonsumer provisions of this legislation. I come to this floor today to represent their views by voting against H.R. 1555.

However, I should note for the record that there are a few provisions beneficial to our Nation's small telecommunications providers included in this legislation that I do support and am glad the committee saw fit to advance.

While we should all look forward to the opportunities presented by new, emerging technologies, we cannot disregard the lessons of the past and the hurdles we still face in making certain that everyone in America benefits equally from our country's maiden voyage into cyberspace. I refer to the well-documented fact that, in particular, minority- and women-owned small businesses continue to be extremely under-represented in the telecommunications field.

In the cellular industry, which generates in excess of $10 billion a year, there are a mere 11 minority firms offering services in this market. Overall, barely 1 percent of all telecommunications companies are minority-owned. Of women-owned firms in the United States, only 1.9 percent fall within the communications category.

Some of the provisions included in this bill can make a first step in eradicating these inequities.

I am very pleased to see that Representative RUSH successfully offered an amendment in subcommittee mark-up similar to a provision I included in last year's telecommunications legislation that will help to advance diversity of ownership in the telecommunications marketplace. It requires the Federal Communications Commission to identify and work to eliminate barriers to market entry that continue to constrain all small businesses, including minority- and women-owned firms, in their attempts to take part in all telecommunications industries. Underlying this amendment is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace. Given the distorted mass media ownership provisions I previously discussed, Representative RUSH's takes on heightened importance.

In addition, I fully support the telecommunications development fund language included in Chairman BLILEY's manager's amendment. This language ensures that deposits the FCC receives through auctions be placed in an interest-bearing account and the interest from such deposits be used to increase access capital for small telecommunications firms. This fund seeks to increase competition in the telecommunications industry by making loans, investments or other similar extensions of credit to eligible entrepreneurs.

Finally, antiredlining provisions that prohibit carriers from discriminating against communities comprised of low-income and minority individuals address a genuine concern of mine that the information superhighway must not be allowed to bypass those communities most in need of its benefits.

Nevertheless, Mr. Chairman, taken as a whole, the bad in this bill greatly outweighs the good and, despite what those on the other side of the aisle might say, the majority of our constituents know it. Therefore, I urge my colleagues to vote no on H.R. 1555.

Mr. KLUG. Mr. Chairman, I would like to respond to the statements made on August 1, 1995, by my colleague, the gentlewoman from California [Ms. ESHOO], concerning H.R. 1555, the Communications Act.

In her remarks about cable compatibility, she would have us believe that it is a classic disagreement between the evil, foreign television manufacturers and the good, domestic technology firms. I do not believe the 30,000 Americans employed in the manufacturing of 14 million television receivers annually for domestic and foreign sales would agree with her characterization. The percentage of imported computers is nearly identical to that of imported TV's, about 30 percent.

The gentlewoman would also like us to believe that her amendment would protect future technology. While it would protect the interest of proprietary technology, especially that of a home automation company in her home State, it would harm retailers, consumers, and that of television manufacturers. A wide variety of groups including the National Association of Retail Dealers and the National Consumers League have opposed the Eshoo amendment. I think it is especially significant when both retailers and consumers are on the same side of an issue, as they are in this case.

Cable compatibility is a very technical issue, and one which the industry has been considering for over 2 years. The gentlewoman's amendment, which has not had a hearing, would actually thwart market competition and stifle advancing technology.

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Mr. KLECZKA. Mr. Chairman, I would like to discuss several important issues surrounding H.R. 1555, the Communications Act of 1995. Today, the House is acting on a comprehensive telecommunications reform bill that some say is the most far-reaching legislation debated in recent memory. This bill would phaseout controls that inhibit open competition in the broadcast, local telephone, long-distance, cable, and cellular industries.

The telecommunications industry is currently hampered by outdated restrictions and regulations that do not allow these innovative companies to enter each other's lines of business. Thus, consumers cannot benefit from increased competition and the companies are not fully able to develop new technologies that will benefit us all.

This legislation is designed to allow companies to evolve while ensuring that consumers are not trampled in the process. Encouraging open and fair competition should be one of our highest priorities, and it is the best route to bringing the information superhighway up to speed.

While I support the general direction of this bill and will vote for it on final passage, there are some important additions that will make this bill better. One such change is an amendment to protect consumers from cable rate increases by continuing regulation of existing cable systems until there is adequate competition. We must continue to protect consumers in this manner until true competition in the cable industry arrives.

I also support an amendment that limits to 35 percent the percentage of households that may be reached by TV stations directly owned by a single network or ownership group. We must ensure that consumers will be able to receive a diversity of viewpoints from the media. The bill as currently written could threaten the independence of many local television stations across the country. In addition, I support an amendment to preserve the authority of local governments to be compensated for use of

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public rights-of-way by telecommunications providers.

These changes to H.R. 1555 are of critical importance, and I sincerely hope that fair consideration will be given to them during floor debate of this bill. One of my Republican colleagues has been quoted as saying "this bill is not perfect, but close enough for government work." I disagree, and believe that, with the changes I have suggested, this bill will usher in a new modern age in telecommunications. However, failure to adequately address my concerns, either during House consideration or in conference, might require me to vote to sustain a Presidential veto of this bill.

Mr. KIM. Mr. Chairman, I rise to urge my colleagues to support the overhaul of our national telecommunications policy. This legislation will unleash vast economic and technological forces that will transform our Nation's communications network into the most advanced and competitive system in the world.

The Communications Act of 1995 is a landmark regulatory reform bill that offers countless benefits to American consumers. By busting monopolies, opening all telecommunications markets to competition, and eliminating layers of burdensome Federal regulations, H.R. 1555 will give Americans access to a whole new range of new communications services at lower prices.

This bill offers local, long distance, and cable providers the opportunity to offer complete video and communications services anywhere in the United States.

Just as important, this bill prevents monopolistic activity and guarantees true competition in the local, long distance, and cable industries. I intend to support amendments which open these markets as quickly as possible without sacrificing competition. We must ensure that local and long distance providers compete on a fair and level playing field.

By reforming our telecommunications system we will create 3.4 million jobs over the next 10 years. True competition will give hardworking families and individuals over $550 billion in savings in local, long distance, cellular, and cable prices over the next 10 years. In addition, competition will speed up the introduction of new, innovative technologies and services, such as telemedicine in rural areas and distance learning to improve education and on the-job-training.

In conclusion, Mr. Chairman, I urge my colleagues to pass a bill that will create the most technologically advanced—and lowest priced—communications system in the world.

Mr. LEVIN. Mr. Chairman, I have grave concerns about the bill before us. Both on substance and on process, this is the wrong way to go about overhauling our Nation's communications laws.

Let me be clear that I support comprehensive reform of our Nation's telecommunications laws. I support deregulation. I support increased competition. I personally feel the time has come to free the regional Bell companies to enter the long-distance, manufacturing, and video markets.

However, this legislation is seriously flawed. How can you go home to your district and explain to your constituents that you voted for this bill?

How are you going to explain that you voted for a bill that gives cable companies the green light to raise rates through the roof without first requiring them to give up their monopolies? Fifteen months after this bill becomes law, cable rates are going up. How are you going to explain it?

How are you going to explain that you voted for a bill that fails to empower parents to control the amount of sex and violence their children watch on television? In the very near future, the number of channels available to every home in America will jump from a few dozen to as many as 500 channels. I'm fed up with TV violence. We must give parents a tool to block objectionable programs they don't want their children to see. For a modest cost, a computer chip can be added to new televisions that empowers parents to do this.

How are you going to explain that you voted for a bill that's a blueprint for unprecedented media concentration? Under this bill, a single company or individual can buy up most of your town's mass media, including an unlimited number of radio stations, two TV stations, and even the town newspaper.

The process under which the House is considering this legislation is also flawed. Large portions of this bill were developed in secret, behind closed doors. This bill will profoundly affect the shape of telecommunications in this country for years to come. It will impact every person in the country who owns a telephone, watches TV, or listens to radio.

We shouldn't debate such a far-reaching piece of legislation in a few short hours, under a closed rule, without adequate time for debate or amendment. Surely, this is no way to legislate.

Mr. COYNE. Mr. Chairman, I rise in strong support of efforts to address the concerns of consumers about the telecommunications bill now before the House.

Let me say that I believe there is strong support in the House for free and open competition among the various elements of the telecommunications industry. I also support providing free and open competition to the American consumer who should be able to choose freely between providers of telephone, cable and other telecommunications services.

The question is not over the merits of free and open competition as a goal. There are, however, real questions about how we provide sufficient protection for consumers during a transition period to free and open competition. A key test is whether adequate time is provided to ensure that true competition is present before current regulatory protections are eliminated. Failure to provide such protections would provide unacceptable opportunities for the abuse of consumers by firms which enjoy a monopoly or quasi-monopoly position in their individual sectors of the telecommunications industry.

That is why I oppose in particular the provisions of H.R. 1555 which would repeal prematurely the cable rate regulations enacted by Congress as part of the Cable Television Consumer Protection Act of 1992. H.R. 1555 would drop overnight all cable rate provisions for most cable markets in the Nation and would allow only 15 months before cable rate protections are dropped for larger markets, including the City of Pittsburgh which I represent.

I believe that the rush to drop all cable rate regulations is completely unacceptable because the timeframe provided by H.R. 1555 is insufficient to provide a realistic opportunity for the emergence of true competition. Current service providers have had years to enjoy the benefits of monopoly control over local cable services. It was only with the Cable Television Consumer Protection Act of 1992 that local consumers were offered some protections from the unjustified rate increases and poor service that had been all too common in many parts of the Nation. Now, those protections would be eliminated practically overnight even though real competition has not been given a decent chance to emerge.

The rush to deregulate opens the floodgates for companies which already enjoy a monopoly position in one market to expand their dominance to other segments of the telecommunications industry. Along the way, ratepayers would be paying for this expansion through higher rates because a real alternative to their local monoploy provider is not yet in place.

A clear example of the lack of protection against the power of monopoly providers is demonstrated by a provision of H.R. 1555 which permits buy-outs of local cable companies by telephone companies, with limited exceptions. This provision is contrary to the very principle of encouraging competition which is supposed to be the reason for passing telecommunications legislation. Why in the world would two monopolies compete against each other for their customer base when it would be so much easier to simply buy the competition. The result would be one super-monopoly taking the place two companies well positioned to compete head on. This buy-out provision makes a farce out of the very idea of promoting true competition.

I also oppose provisions of H.R. 1555 which would preempt State regulatory authority to ensure that consumers are protected from abusive pricing practices. States must be able to play the role of consumer advocates in cases where monopolies or quasi-monopolies would otherwise possess unregulated opportunities to impose unjustified price increases on local ratepayers. The lack of State oversight along with the rush to repeal existing regulatory protections make H.R. 1555 a virtual road map for how to raise rates for telecommunications services.

Mr. Speaker, I must oppose H.R. 1555 as long as these anti-consumer provisions remain part of this legislation. Free and open competition must not be taken for granted. It can only emerge over time when adequate protections are provided to American families who are being put at risk by this rush to deregulate.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SHAYS), having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555), to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, pursuant to House Resolution 207, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Under the order of the House of the legislative day of August 3, 1995, the amendment reported from the Committee of the Whole is adopted. No separate vote is in order.

The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1555 to the Committee on Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

"(v) Prescribe—

"(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

"(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.".

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).".

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

"(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

"(A) enables parents to block programming based on identifying programs without ratings,

"(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

"(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

The Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.".

"(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking 'section 303(s), and section 303(u)' and inserting in lieu thereof 'and sections 303(s), 303(u), and 303(w)'.

"(e) APPLICABILITY AND EFFECTIVE DATES.—

"(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

"(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

"(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

"(2) EFFECTIVE DATE OF MANUFACTURE PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of enactment of this Act.

Mr. MARKEY (during the reading). Mr. Speaker, I ask that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, the point that I am going to make right now is that you have had a nice vote. You have now voted to have the 2000 study of whether or not violence and sexual programming on television has an impact on adolescent children. The conclusion to that study is not in question.

The only question now, Mr. Speaker, is going to be whether or not, as we in our recommittal motion let the Coburn study stay in place, we add in now the

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Markey V-chip amendment as the recommittal. That is it. The Coburn study stays in place, and we add on the V-chip as the recommittal motion. That is all there is to it; it is no more complicated.

Mr. Speaker, we ask that Members who care about parents in this country please vote for this recommittal motion so that both Coburn and the V-chip can be given to them as weapons against the excessive sexual and violent programming on television in our country.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, this has been a very hard fight, and for some of us, it is kind of emotional because we have seen what happens when violence occurs in the home. I used to see that violence on a regular basis when I was a kid, and as I grew up, I started watching that same kind of violence on television, and then I say society become more and more violent.

I saw kids start killing other kids. I saw 12-year-old kids raping other 10- and 11-year-old children, and we say, "why is this happening?"

Mr. Speaker, I submit that, in large part, it is due to what FRANK WOLF of Virginia said a while ago, "Garbage in, garbage out." The kids are seeing a steady diet of violence and sex, and there is no way for parents who are working day and night to keep their kids safe from it. There is no way. This is the only technology that is available that will do it.

Mr. Speaker, I love all my colleagues. I know we have differences of opinion. I respect all of them, but I am really disappointed today because we have not given the people of this country, the parents, the ability to help protect their kids.

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, first of all, I want to commend my friend from Indiana, Mr. BURTON, for his courageous fight on this amendment, as well as my friend, the gentleman from Massachusetts [Mr. MARKEY].

Mr. Speaker, the V-chip is based upon a very simple principle that it is the parents who should raise the children, not the Government, not the corporate executives, not the advertisers, not the network executives. It is the parents who are the people responsible for what their children see. It is the parents who should have a more powerful voice in the marketplace.

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Now this is about the pictures and the images that shape our children's minds. This is about giving parents the tools they need to stop the garbage from flowing into our living rooms. By the time a child gets out of grade school, he will, she will, have seen 8,000 murders, over 100,000 acts of violence. This bill will help parents let Sesame Street in and keep the Texas Chain Saw Massacre out, and that is why over 90 percent of the American public support the idea of the V-chip.

Now this motion to recommit will allow a straight up-or-down vote on the Markey-Burton amendment on the V-chip, and that motion was denied by the passage of the Coburn amendment, and I know why the Coburn amendment passed, because it contained a lot of language that people support.

This is a graft on top of Coburn. It goes further, and it gives parents the control they need.

Mr. Speaker, I urge my colleagues to vote to give parental control over what goes into the minds and the hearts of our children.

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the cost of the chip is as little as 18 cents. For 18 cents on a television set we can give the parent back the control of some of the filth, and some of the smut, and some of the violence that is coming into the living room.

I urge my colleagues to support the motion.

Mr. MARKEY. I reclaim the balance of my time, Mr. Speaker, to make this final point:

We sell 25 million television sets a year in the United States. In 2 years there will be 25 million homes with a V-chip that costs 18 cents that every parent can use to protect their children. That is what a yes vote on recommittal means. My colleagues will still have the Coburn study, if they want it, but parents will have something out of this as well, the protection when they are not in the home, when they are not in the same room, to be able to block out the violence and sexual programming that their 3-, and 4-, and 5-, and 6-year-old little boys and girls should not be having access to, should not be in their minds.

Please vote "yes" on recommittal so that we can build the V-chip into this very important piece of legislation.

Mr. BLILEY. Mr. Speaker, this has been a good debate on this bill over 2 days. Before yielding to the gentleman from New York [Mr. PAXON] I would just like to take a few moments to thank our respective staffs for their hard work and tireless dedication. I would especially like to thank Catherine Reid, Michael Regan, Harold Furchgott-Roth and Mike O'Reilly of the majority; David Leach with Mr. DINGELL's staff; and Steve Cope of the Office of Legislative Counsel. The House should applaud their fine efforts in bringing this legislation forward.

Mr. Speaker, I yield to the gentleman from New York [Mr. PAXON] in opposition to this motion to recommit.

Mr. PAXON. Mr. Speaker, first, on behalf of the committee, I think both Republicans and Democrats, I would like to say a thank you, to the Members for their patience, for their good humor, for frankly staying awake during these final hours of this very long week. I have just three brief points to make:

No. 1, this House should be very proud. Today we have made history. For the first time in 61 years we are preparing to pass a telecommunication reform bill that is historic. My colleagues should be proud of this effort. It is, therefore, ludicrous to talk about recommitting a piece of history that we have just worked so hard to craft, and I know this House would not do this afternoon, recommit this important and historic piece of legislation, because it would mean there is no bill.

Second, there has been a lot of talk about this legislation. I just counted in the Markey amendment; it refers to the word "ratings" 12 different times. That point has been lost lately in this discussion. Ratings are contained in that measure 12 different times; that is contained in the motion to recommit.

My third point, my colleagues: It is time to go home.

Please vote "no" on the motion to recommit.

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. If the recommittal motion is approved, does that kill the bill?

The SPEAKER pro tempore. The question of passage would still be reached.

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. My purpose in making a parliamentary inquiry is to ask the Chair this question:

If the motion to recommit with instructions occurs, is it not a fact that the matter is immediately reported back to the House, at which time the vote then occurs on the legislation as amended by the motion to recommit *with instructions*?

The SPEAKER pro tempore. The appearance of the word "forthwith" in the instruction makes it so.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 199, not voting 11, as follows:

HeinOnline -- 3 Bernard D. Reams, Jr. & William H. Manz, Federal Telecommunications Law: A Legislative History of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) including the Communications Decency Act H8504 1997

[Roll No. 634]

AYES—224

| | | |
|---|---|---|
| Abercrombie | Gibbons | Morella |
| Ackerman | Gillmor | Murtha |
| Baesler | Gilman | Neal |
| Baldacci | Gonzalez | Oberstar |
| Barcia | Goodlatte | Obey |
| Barrett (WI) | Gordon | Olver |
| Becerra | Green | Orton |
| Bellenson | Gutierrez | Owens |
| Bentsen | Gutknecht | Pallone |
| Bereuter | Hall (OH) | Pastor |
| Bevill | Hall (TX) | Payne (NJ) |
| Bishop | Hamilton | Payne (VA) |
| Blute | Harman | Pelosi |
| Boehlert | Hastings (FL) | Peterson (FL) |
| Bonior | Hayes | Petri |
| Borski | Hefley | Pickett |
| Boucher | Hefner | Pomeroy |
| Browder | Hilliard | Portman |
| Brown (FL) | Hinchey | Poshard |
| Brown (OH) | Holden | Rahall |
| Bryant (TX) | Horn | Rangel |
| Bunn | Hoyer | Reed |
| Burton | Hunter | Rivers |
| Cardin | Hyde | Roemer |
| Chapman | Jackson-Lee | Rose |
| Clay | Jacobs | Roth |
| Clayton | Jefferson | Roukema |
| Clement | Johnson (CT) | Roybal-Allard |
| Clinger | Johnson (SD) | Rush |
| Clyburn | Johnson, E. B. | Sabo |
| Coleman | Johnston | Sanders |
| Collins (IL) | Jones | Sawyer |
| Collins (MI) | Kanjorski | Saxton |
| Conyers | Kaptur | Schroeder |
| Costello | Kennedy (MA) | Schumer |
| Coyne | Kenneily | Scott |
| Cramer | Kildee | Sensenbrenner |
| Cubin | Klecska | Serrano |
| Danner | Klink | Shuster |
| Davis | LaFalce | Sisisky |
| de la Garza | Lantos | Skaggs |
| DeFazio | Leach | Skelton |
| DeLauro | Levin | Slaughter |
| Dellums | Lewis (CA) | Smith (NJ) |
| Deutsch | Lewis (GA) | Souder |
| Dicks | Lincoln | Spratt |
| Dingell | Lipinski | Stark |
| Dixon | Lofgren | Stenholm |
| Doggett | Lowey | Stokes |
| Dooley | Luther | Studds |
| Doyle | Maloney | Stupak |
| Duncan | Manton | Tanner |
| Durbin | Markey | Taylor (MS) |
| Edwards | Martinez | Tejeda |
| Ehlers | Martini | Thompson |
| Engel | Mascara | Thornton |
| Eshoo | McCarthy | Torres |
| Evans | McDade | Torricelli |
| Farr | McDermott | Tucker |
| Fattah | McHale | Upton |
| Fazio | McIntosh | Velazquez |
| Fields (LA) | McKinney | Vento |
| Filner | McNulty | Visclosky |
| Flake | Meehan | Volkmer |
| Flanagan | Meek | Ward |
| Foglietta | Menendez | Waxt (NC) |
| Forbes | Meyers | Wilson |
| Ford | Mfume | Wise |
| Frost | Miller (CA) | Wolf |
| Funderburk | Mineta | Woolsey |
| Furse | Minge | Wyden |
| Ganske | Mink | Wynn |
| Gejdenson | Mollohan | Yates |
| Gephardt | Montgomery | Young (FL) |
| Geren | Moran | |

NOES—199

| | | |
|---|---|---|
| Allard | Brewster | Collins (GA) |
| Archer | Brown (CA) | Combest |
| Armey | Brownback | Condit |
| Bachus | Bryant (TN) | Cooley |
| Baker (CA) | Bunning | Cox |
| Baker (LA) | Burr | Crane |
| Ballenger | Buyer | Crapo |
| Barr | Callahan | Cremeans |
| Barrett (NE) | Calvert | Cunningham |
| Bartlett | Camp | Deal |
| Barton | Canady | DeLay |
| Bass | Castle | Diaz-Balart |
| Berman | Chabot | Dickey |
| Bilbray | Chambliss | Doolittle |
| Bilirakis | Chenoweth | Dornan |
| Bliley | Christensen | Dreier |
| Boehner | Chrysler | Dunn |
| Bonilla | Coble | Ehrlich |
| Bono | Coburn | Emerson |
| English | LaHood | Rohrabacher |
| Ensign | Largent | Ros-Lehtinen |
| Everett | Latham | Royce |
| Ewing | LaTourette | Salmon |
| Fawell | Laughlin | Sanford |
| Fields (TX) | Lazio | Schaefer |
| Foley | Lewis (KY) | Schiff |
| Fowler | Lightfoot | Seastrand |
| Fox | Linder | Shadegg |
| Frank (MA) | Livingston | Shaw |
| Franks (CT) | LoBiondo | Shays |
| Franks (NJ) | Longley | Skeen |
| Frelinghuysen | Lucas | Smith (MI) |
| Frisa | Manzullo | Smith (TX) |
| Gallegly | Matsui | Smith (WA) |
| Gekas | McCollum | Solomon |
| Gilchrest | McCrery | Spence |
| Goodling | McHugh | Stearns |
| Goss | McInnis | Stockman |
| Graham | McKeon | Stump |
| Greenwood | Metcalf | Talent |
| Gunderson | Mica | Tate |
| Hancock | Miller (FL) | Tauzin |
| Hansen | Molinari | Taylor (NC) |
| Hastert | Moorhead | Thomas |
| Hastings (WA) | Myers | Thornberry |
| Hayworth | Myrick | Tiahrt |
| Heineman | Nadler | Torkildsen |
| Herger | Nethercutt | Towns |
| Hilleary | Neumann | Traficant |
| Hobson | Ney | Upton |
| Hoekstra | Norwood | Vucanovich |
| Hoke | Nussle | Waldholtz |
| Hostettler | Oxley | Walker |
| Houghton | Packard | Walsh |
| Hutchinson | Parker | Wamp |
| Inglis | Paxon | Waters |
| Istook | Peterson (MN) | Watts (OK) |
| Johnson, Sam | Pombo | Waxman |
| Kasich | Porter | Weldon (FL) |
| Kelly | Pryce | Weldon (PA) |
| Kennedy (RI) | Radanovich | Weller |
| Kim | Ramstad | White |
| King | Regula | Whitfield |
| Kingston | Richardson | Wicker |
| Klug | Riggs | Zeliff |
| Knollenberg | Roberts | Zimmer |
| Kolbe | Rogers | |

NOT VOTING—11

| | | |
|---|---|---|
| Andrews | Quillen | Thurman |
| Bateman | Quinn | Williams |
| Moakley | Reynolds | Young (AK) |
| Ortiz | Scarborough | |

□ 1509

The Clerk announced the following pair:

On this vote:

Mr. Quinn for, with Mr. Quillen against.

Mr. FLANAGAN changed his vote from "nay" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. SHAYS). The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 1555, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 57 after line 21 insert the following new section:

**SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should following practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

"(v) PRESCRIBE.—

"(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

"(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.".

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to

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enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).".

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

"(c)(1) except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

"(A) enables parents to block programming based on identifying programs without ratings,

"(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

"(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings, the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph."

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking "section 303(s), and section 303(u)" and inserting in lieu thereof "and sections 303(s), 303(u), and 303(w)".

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 305, noes 117, not voting 12, as follows:

[Roll No. 635]

AYES—305

| | | |
|---|---|---|
| Ackerman | Clinger | Gallegly |
| Allard | Clyburn | Ganske |
| Archer | Coburn | Gekas |
| Armey | Coleman | Gephardt |
| Bachus | Collins (GA) | Geren |
| Baker (CA) | Combest | Gilchrest |
| Baker (LA) | Condit | Gillmor |
| Ballenger | Cox | Gilman |
| Barr | Cramer | Goodlatte |
| Barrett (NE) | Crane | Goodling |
| Barrett (WI) | Crapo | Gordon |
| Bartlett | Cremeans | Goss |
| Barton | Cubin | Graham |
| Bass | Cunningham | Green |
| Bentsen | Danner | Greenwood |
| Bevill | Davis | Gunderson |
| Bilbray | de la Garza | Gutknecht |
| Billirakis | Deal | Hall (OH) |
| Bishop | DeLay | Hall (TX) |
| Bliley | Diaz-Balart | Hamilton |
| Blute | Dickey | Hancock |
| Boehlert | Dicks | Hansen |
| Boehner | Dingell | Harman |
| Bonilla | Doggett | Hastert |
| Bonior | Dooley | Hastings (FL) |
| Bono | Doolittle | Hastings (WA) |
| Boucher | Dornan | Hayes |
| Brewster | Dreier | Hayworth |
| Browder | Dunn | Hefner |
| Brown (FL) | Edwards | Heineman |
| Brown (OH) | Ehlers | Herger |
| Brownback | Ehrlich | Hilleary |
| Bryant (TN) | Emerson | Hobson |
| Burr | English | Hoekstra |
| Burton | Ensign | Hoke |
| Buyer | Eshoo | Horn |
| Callahan | Everett | Hostettler |
| Calvert | Ewing | Houghton |
| Camp | Fazio | Hoyer |
| Canady | Fields (TX) | Hunter |
| Cardin | Flake | Hutchinson |
| Castle | Flanagan | Hyde |
| Chabot | Foley | Inglis |
| Chambliss | Forbes | Istook |
| Chapman | Fox | Jackson-Lee |
| Chenoweth | Franks (CT) | Jacobs |
| Christensen | Frisa | Jefferson |
| Chrysler | Frost | Johnson (CT) |
| Clay | Funderburk | Johnson, Sam |
| Clement | Furse | Jones |
| Kasich | Myrick | Stisky |
| Kelly | Neal | Skeen |
| Kennedy (RI) | Nethercutt | Smith (MI) |
| Kim | Neumann | Smith (NJ) |
| King | Ney | Smith (TX) |
| Kingston | Norwood | Smith (WA) |
| Klecrka | Nussle | Solomon |
| Klug | Oliver | Souder |
| Knollenberg | Orton | Spence |
| Kolbe | Owens | Spratt |
| LaHood | Oxley | Stearns |
| Largent | Packard | Stenholm |
| Latham | Parker | Stockman |
| LaTourette | Pastor | Stump |
| Laughlin | Paxon | Talent |
| Lazio | Payne (NJ) | Tanner |
| Lewis (CA) | Payne (VA) | Tate |
| Lewis (GA) | Peterson (FL) | Tauzin |
| Lewis (KY) | Peterson (MN) | Taylor (MS) |
| Lightfoot | Petri | Taylor (NC) |
| Lincoln | Pickett | Tejeda |
| Linder | Pombo | Thomas |
| Livingston | Porter | Thompson |
| LoBiondo | Portman | Thornberry |
| Lofgren | Pryce | Tiahrt |
| Longley | Radanovich | Torkildsen |
| Lowey | Rahall | Torricelli |
| Lucas | Ramstad | Towns |
| Manton | Rangel | Traficant |
| Manzullo | Reed | Tucker |
| Martini | Riggs | Upton |
| McCollum | Roberts | Vucanovich |
| McCrery | Roemer | Waldholtz |
| McDade | Rogers | Walker |
| McDermott | Rohrabacher | Walsh |
| McHugh | Ros-Lehtinen | Wamp |
| McInnis | Roth | Ward |
| McIntosh | Roukema | Watt (NC) |
| McKeon | Royce | Watts (OK) |
| McKinney | Rush | Weldon (FL) |
| Meehan | Salmon | Weldon (PA) |
| Meek | Sanford | Weller |
| Menendez | Sawyer | White |
| Metcalf | Saxton | Whitfield |
| Mica | Schaefer | Wicker |
| Miller (FL) | Schiff | Wilson |
| Mineta | Schumer | Wolf |
| Molinari | Seastrand | Wyden |
| Mollohan | Serrano | Wynn |
| Montgomery | Shadegg | Young (FL) |
| Moorhead | Shaw | Zeliff |
| Morella | Shuster | |

NOES—117

| | | |
|---|---|---|
| Abercrombie | Franks (NJ) | Murtha |
| Baesler | Frelinghuysen | Myers |
| Baldacci | Gejdenson | Nadler |
| Barcia | Gibbons | Oberstar |
| Becerra | Gonzalez | Obey |
| Bellenson | Gutierrez | Pallone |
| Bereuter | Hefley | Pelosi |
| Berman | Hilliard | Pomeroy |
| Borski | Hinchey | Poshard |
| Brown (CA) | Holden | Regula |
| Bryant (TX) | Johnson (SD) | Richardson |
| Bunn | Johnson, E. B. | Rivers |
| Bunning | Johnston | Rose |
| Clayton | Kanjorski | Roybal-Allard |
| Coble | Kaptur | Sabo |
| Collins (IL) | Kennedy (MA) | Sanders |
| Collins (MI) | Kennelly | Schroeder |
| Conyers | Kildee | Scott |
| Cooley | Klink | Sensenbrenner |
| Costello | LaFalce | Shays |
| Coyne | Lantos | Skaggs |
| DeFazio | Leach | Skelton |
| DeLauro | Levin | Slaughter |
| Dellums | Lipinski | Stark |
| Dixon | Luther | Stokes |
| Doyle | Maloney | Studds |
| Duncan | Markey | Stupak |
| Durbin | Martinez | Thornton |
| Engel | Mascara | Torres |
| Evans | Matsui | Velazquez |
| Farr | McCarthy | Vento |
| Fattah | McHale | Visclosky |
| Fawell | McNulty | Volkmer |
| Fields (LA) | Meyers | Waters |
| Filner | Mfume | Waxman |
| Foglietta | Miller (CA) | Wise |
| Ford | Minge | Woolsey |
| Fowler | Mink | Yates |
| Frank (MA) | Moran | Zimmer |

NOT VOTING—12

| | | |
|---|---|---|
| Andrews | Ortiz | Scarborough |
| Bateman | Quillen | Thurman |
| Deutsch | Quinn | Williams |
| Moakley | Reynolds | Young (AK) |

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□ 1527

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 92. Concurrent Resolution providing for an adjournment of the two Houses.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

## FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

## AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 1555 the Clerk be authorized to make technical corrections and conforming changes to the bill, and to delete duplicative material.

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

There was no objection.

## 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 and include extraneous material on H.R. 1555.

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

There was no objection.

## PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall 615 on Wednesday, the Greenwood amendment to H.R. 2127, the HHS appropriations bill, I thought I had voted aye. I notice in yesterday's RECORD I had voted no. That was in error. I want the Record to show I intended to vote aye.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1853

Ms. McKINNEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1853.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Georgia.

There was no objection.

□ 1530

## SUBMISSION OF COMMITTEE ORDER FROM COMMITTEE ON HOUSE OVERSIGHT

(Mr. THOMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, I submit a committee order from the Committee on House Oversight.

At the direction of the Committee on House Oversight, in accordance with the authority granted to the committee as reflected in 2 U.S.C. 57, the committee issued Committee Order No. 41 on August 3, 1995, which will become effective on September 1, 1995. Members will receive information describing this change through a dear colleague.

I include at this point in the RECORD the text of Committee Order No. 41.

*Resolved*, That (a) effective September 1, 1995, and subject to subsection (b), the Clerk Hire Allowance, the Official Expenses Allowance, and the Official Mail Allowance shall cease to exist and the functions formerly carried out under such allowances shall be carried out under a single allowance, to be known as the "Members' Representational Allowance".

(b) Under the Members' Representational Allowance, the amount that shall be available to a Member for franked mail with respect to a session of Congress shall be the amount allocated for that purpose by the Committee on House Oversight under paragraphs (1)(A) and (2)(B) of subsection (e) of section 311 of the Legislative Branch Appropriations Act, 1991, plus an amount equal to the amount permitted to be transferred to the former Official Mail Allowance under paragraph (3) of that subsection.

SEC. 2. The Committee on House Oversight shall have authority to prescribe regulations to carry out this resolution.

## PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES HAVE UNTIL FRIDAY, SEPTEMBER 1, 1995 TO FILE REPORT ON H.R. 1594, PLACING RESTRICTIONS ON DEPARTMENT OF LABOR INVESTMENTS WITH EMPLOYEE BENEFIT PLANS

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Economic and Educational Opportunities may have until noon on Friday, September 1, 1995, to file a report on H.R. 1594, a bill to place restrictions on the promotion by the Department of Labor of economically targeted investments in connection with employee benefit plans.

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

There was no objection.

## REREFERRAL TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT OF H.R. 2077, GEORGE J. MITCHELL POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2077, be rereferred from the Committee on Transportation and Infrastructure to the Committee on Government Reform and Oversight.

I am informed, Mr. Speaker, there are no objections from the minority of the Committee to this referral.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of gentleman from New York?

There was no objection.

## GEORGE J. MITCHELL POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from consideration of (H.R. 2077) to designate the U.S. Post Office building located at 33 College Avenue In Waterville, ME, as the "George J. Mitchell Post Office Building," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Miss COLLINS of Michigan. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from New York [Mr. McHUGH], chairman of the Subcommittee on Postal Service, for the purpose of explaining the bill.

Mr. McHUGH. Mr. Speaker, I would note that the bill is to designate the U.S. Post Office building located at 33 College Avenue in Waterville, ME as the George J. Mitchell Post Office Building.

Miss COLLINS of Michigan. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Maine [Mr. LONGLEY], the sponsor of H.R. 2077.

Mr. LONGLEY. Mr. Speaker, it is my pleasure to inform the House that the citizens of Waterville, ME have decided to name the post office in honor of former Senator George J. Mitchell of Maine. Senator Mitchell was elected to the Senate, appointed to the Senate in 1980, was elected in 1982 and, in 1988, was elected with the largest majority in the history of Maine's elections to the Senate.

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