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for drug control, and DOD counterdrug funding has plummeted. More seriously, the administration has not fought for its own programs or supported its own drug czar in Congress. And the President has abandoned the bully pulpit—something that his own Attorney General, his Secretary of Health and Human Services, and his drug czar have called one of the most important tools in our counterdrug arsenal.

As a consequence, the message that drug use is both harmful and wrong is simply not getting to the audience that most needs it—young Americans. Marijuana use is on the rise, dramatically. Lest anyone forget, this was how the drug epidemic of the 1960's and 1970's got started. Marijuana was the gateway to an age of major drug addiction. We are seeing a repeat of that history because we failed to learn from our history. Today's marijuana, however, is many times more potent than anything from the 1960's, and we know a great deal more about the dangerous health consequences of even small use. Thus, we are not ignorant. We are, however, in danger of being negligent.

It is not as if we have learned nothing about what works. After many years of trial and error, we hit upon the mix of things that gets the job done. The first hurdle we overcame in the efforts of the late 1980's was to realize that counterdrug efforts cannot be a sometime thing. We need consistency and sustained effort.

We also learned that we needed comprehensive programs that combine effective interdiction, law enforcement, education, prevention, and treatment in well-publicized efforts. This is what it takes to send a clear message to the most at-risk population—young people between the ages of 12 and 20. When we managed to put these things together we saw significant declines in use.

Now, however, all that is at risk. We have retreated from what works. We have seen rhetoric that tries to ignore one of the most significant parts of the message about illegal drug use—that drugs are illegal because they are dangerous and wrong. Instead, the voice we hear says that drugs are dangerous because they are illegal. Or just as bad, that the only way to deal with the problem of drug abuse is through treatment. And we have seen program changes that reinforce this view. Once again, however, we can see the obvious: When you do not make it clear that drug use is not only harmful but wrong, and that use has consequences both social and judicial, then the coherence of the message is lost on our young people.

We need to revitalize our efforts. To remind ourselves of our responsibilities and of what is needful. It also involves asking ourselves what are the appropriate responses of the Federal Government. It certainly is not simply throwing money at programs.

There are a number of things the Federal Government is best able to do and most responsible for. First, there is a need to develop sound strategies that have substance rather than rhetoric as their main components. Second, Federal authorities need to focus on those things State and local authorities are less able or unable to do. This means, in particular, a major focus on interdiction, international control efforts, and law enforcement at and near the borders. These are areas that have suffered the most in recent years.

Third, we need consistent, visible leadership that ensures the level of cooperation and oversight of individual programs necessary to produce coordinated efforts. We need a drug czar whose authority is backed by a President committed to the effort.

Fourth, we need to renew our public agenda. To encourage local groups, family organizations, and private, voluntary groups in their efforts to fight drug abuse and the creeping influence of legalizers. We need a Just-Say-No czar with visibility and credibility.

Fifth, we need to revitalize our interdiction efforts at and near the borders and to recover the lost ground in recent years. We need to stop using our Federal drug law enforcement officers as deputy sheriffs in local jurisdictions. They should be focusing on the major cases that involve multiple jurisdictions. We need a recommitment to protect our borders, something even more important as we move forward with NAFTA.

Sixth, we need a major international effort to go after the major criminal organizations that are responsible for a spreading wave of criminality here and abroad.

Finally, we need congressional commitment to sustain realistic programs that have proven records. We need all of these things today.

As chairman of the Drug Caucus, I have highlighted the problems in the past. It is time for us to move ahead. In this regard, as a first step, I intend to offer a sense-of-the-Senate resolution in the coming days calling for a day of national drug awareness. This is in conjunction with Red Ribbon Week, sponsored by the National Family Partnership. I call on my colleagues and all Americans to wear a red ribbon during the period of October 23-31 in memory of a real hero in the drug war, Enrique Camarena, a DEA agent killed fighting drug traffickers, and as a reminder of and commitment to a drug free country.

In the coming weeks I will be working with the private sector and my colleagues to bring greater focus to and effort on the drug issue. It is time. It is necessary. It is right. We need to make the whole country one big drug-free zone.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, I want to make an announcement on behalf of our Republican leader.

We are asking unanimous consent that at 10:30 a.m. the Chair lay before the Senate a message from the House on S. 652, the telecommunications bill; that there be 2 hours of debate, with 1½ hours under the control of Senator DORGAN and Senator KERREY and the remaining 30 minutes under the control of Senator PRESSLER.

Further, that immediately following the debate or yielding back of time, the Senate disagree with the House amendments and the Senate agree to the House request for a conference and the Chair be authorized to appoint conferees on the part of the Senate, and that no other motion be in order during the pendency of this House message.

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

Mr. GRASSLEY. Mr. President, in light of this agreement, I have been authorized by the majority leader to announce that there will be no rollcall votes during today's session.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask that the morning business period be extended until 10:30 a.m. under the same terms and conditions as the previous morning business order.

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

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SCHEDULE

Mr. DOLE. Mr. President, we will not be in session on Monday. There may be committee meetings. Some of us will be working on the tax portion of the reconciliation package. I have conferred last evening with the Democratic leader, and it is our view that it is going to be very difficult for people to be able to get to the Capitol on Monday, particularly staff. So there may be committee meetings, but we will not be in session.

I thank my colleague.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, morning business is closed.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995—MESSAGE FROM THE HOUSE

Mr. PRESSLER. Mr. President, I ask that the Chair lay before the Senate a

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message from the House of Representatives on S. 652 a bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 652) entitled "An Act to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Commerce: Mr. Bliley, Mr. Fields of Texas, Mr. Oxley, Mr. White, Mr. Dingell, Mr. Markey, Mr. Boucher, Ms. Eshoo, and Mr. Rush: *Provided*, Mr. Pallone is appointed in lieu of Mr. Boucher solely for consideration of section 205 of the Senate bill.

As additional conferees, for consideration of sections 1-6, 101-104, 106-107, 201, 204-205, 221-225, 301-305, 307-311, 401-402, 405-406, 410, 601-606, 703, and 705 of the Senate bill, and title I of the House amendment, and modifications committed to conference: Mr. Schaefer, Mr. Barton of Texas, Mr. Hastert, Mr. Paxon, Mr. Klug, Mr. Frisa, Mr. Stearns, Mr. Brown of Ohio, Mr. Gordon, and Mrs. Lincoln.

As additional conferees, for consideration of sections 102, 202-203, 403, 407-409, and 706 of the Senate bill, and title II of the House amendment, and modifications committed to conference: Mr. Schaefer, Mr. Hastert, and Mr. Frisa.

As additional conferees, for consideration of sections 105, 206, 302, 306, 312, 501-505, and 701-702 of the Senate bill, and title III of the House amendment, and modifications committed to conference: Mr. Stearns, Mr. Paxon and Mr. Klug.

As additional conferees, for consideration of sections 7-8, 226, 404, and 704 of the Senate bill, and titles IV-V of the House amendment, and modifications committed to conference: Mr. Schaefer, Mr. Hastert, and Mr. Klug.

As additional conferees, for consideration of title VI of the House amendment, and modifications committed to conference: Mr. Schaefer, Mr. Barton, and Mr. Klug.

As additional conferees from the Committee on the Judiciary, for consideration of the Senate bill (except sections 1-6, 101-104, 106-107, 201, 204-205, 221-225, 301-305, 307-311, 401-402, 405-406, 410, 601-606, 703, and 705), and of the House amendment (except title I), and modifications committed to conference: Mr. Hyde, Mr. Moorhead, Mr. Goodlatte, Mr. Buyer, Mr. Flanagan, Mr. Conyers, Mrs. Schroeder, and Mr. Bryant of Texas.

As additional conferees, for consideration of sections 1-6, 101-104, 106-107, 201, 204-205, 221-225, 301-305, 307-311, 401-402, 405-406, 410, 601-606, 703, and 706 of the Senate bill, and title I of the House amendment, and modifications committed to conference: Mr. Hyde, Mr. Moorhead, Mr. Goodlatte, Mr. Buyer, Mr. Flanagan, Mr. Gallegly, Mr. Barr, Mr. Hoke, Mr. Conyers, Mrs. Schroeder, Mr. Berman, Mr. Bryant of Texas, Mr. Scott, and Ms. Jackson-Lee.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate divided in the following manner: 90 minutes under the control of Senators DORGAN and KERREY of Nebraska, 30 minutes under the control of Senator PRESSLER.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. If the Senate should agree later today, I believe that the Chair will be appointing the following conferees to the telecommunications bill. If the Chair so appoints and if there is not objection, Senators PRESSLER, STEVENS, MCCAIN, BURNS, GORTON, LOTT, HOLLINGS, INOUYE, FORD, EXON, and ROCKEFELLER will be named as conferees.

Mr. President, let me summarize for the Senate where we stand on the telecommunications bill.

The House and Senate have both passed major bills reforming the Telecommunications Act of 1934, bringing it up to date, and also making certain changes in our Nation's telecommunications laws. In addition, there are efforts to make it more procompetitive and deregulatory but also to protect the rights of the consumers in our country and to move the telecommunications bill forward.

We are in a situation today that our Nation very much needs to modernize its telecommunications laws. A House-Senate conference will soon begin to iron out the differences between the Senate and the House versions of telecommunications. We are doing this on a bipartisan basis, and I hope that it will proceed quickly and thoroughly.

I look forward to working with those Senators and all Members of this Chamber. Let me say, Mr. President, that although there are certain conferees named, all Senators are invited to have input, as they have had on this bill. I commend Senator HOLLINGS of South Carolina, the ranking Democrat and former chairman of the Commerce Committee, who has provided so much leadership on this bill. Indeed, he has brought to this process a very bipartisan spirit, and I look forward to working with him and the Republicans and Democrats in the Senate and the House.

Mr. President, I reserve as much time as I may have and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I wanted to have a discussion this morning prior to the Senate appointment of conferees to the telecommunications bill.

After the appointment of conferees, there will then be a conference between the House and Senate on the telecommunications bill. This bill is very important. The telecommunications bill is the first substantial change in telecommunications law since the 1930's.

All of us know what has happened in this country to communication since the 1930's. I mean, it is breathtaking the kinds of changes we have seen in the communications industry and for everybody in this country. So when this Congress sits down and decides to make changes to law—and we should and must—the question is, How will those changes affect our country? Who will they affect? What will they affect?

One of the things I have been very concerned about is the issue of universal service for telephone service. You know, it is more costly to have telephone service in a town of 100 people in South Dakota, North Dakota, or Montana, than it is to have telephone service in New York City. Why is that? Well, because the fixed costs of providing telephone service in New York can be spread over millions of phone instruments, but in Grenora, ND, the fixed costs are spread over relatively few telephones.

But is the telephone in Grenora, ND, or Regent, ND, any less important than the telephone in New York City? No. One is used to call the other. The absence of one makes the other less valuable. Universal service in telephone service is important. It has been a concept in this country we have understood and protected for a long, long time.

We must make sure to protect universal service in the telecommunications legislation. People say, "Well, this bill is about competition." I love the flowery language about opening up the petals of competition, competition in the marketplace; worshiping at that altar is what is going to allow us to flourish and provide vast new opportunities in communications for everyone in our country.

I want to talk a little bit about that competition today. One can conceive of competition in a rural area being someone saying, "I want to come into this rural county"—where you barely have a telephone structure and are able to survive currently—"and I want to pick the only town that exists out in that county and serve that. That is all I want to serve." What about the rest of it that cannot stand by itself? "That doesn't matter to me because I only want to compete in that small town."

That is the kind of thing we have to be concerned about. We need legislation that protects us and provides universal service for the long term. We made progress on universal service in the telecommunications bill. Now, we just have to keep universal service intact in the conference. That is critically important.

There are two other areas that concern me greatly.

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The two areas are this:

One is, when should local telephone carriers who essentially have a monopoly be free to compete in long distance? And should the Department of Justice have a role in determining when there is competition in the local exchange so that that carrier then is free to compete in long distance? The bill is set up pretty much like it is for airlines.

The airline situation says that if a couple airlines want to merge, the Department of Transportation determines whether it is in the public interest, and they make the decision, and they say to the Department of Justice and the antitrust folks over there, "We will allow you to advise us on what you think, but we will make the decision at the Department of Transportation."

Guess what? There has not been a merger that these folks have not loved to death. It does not matter which kind of corporations want to marry. Two airlines want to marry each other? Just fine. The Department of Justice might say, "This is going to be anticompetitive, it is going to increase fares, it is not going to be in the public interest." But guess what? The Department of Transportation says, "Well, it's just fine with us. Just get hitched. Merge up. That's fine."

What do we have in this country these days? We see all these big airlines swallow the little airlines, either they crush them or they swallow them, one of the two, whichever they have the opportunity to do.

And if they decide to buy them and merge, the Department of Justice might say, "Well, you know, they are trying to take out their competition here. It will be less competitive if you have this merger." The Department of Transportation says, "It doesn't matter to us. We will allow them to merge anyway."

That is what the experience has been. If you like that and think that is the right approach, then you do what is done in the Senate bill on telephones and communications. You say the same thing, prevent the Department of Justice from having a role in determining whether you have anticompetitive practices.

That does not make any sense to me. This bill is advertised with neon lights and bells and bands as being a bill for competition. "It provides America the fruits and flowers of competition." Well, if that is the case, why would you not allow the Justice Department and the antitrust people in the Justice Department to weigh in on the question of when are you involved in anticompetitive practices? When is there truly competition in local exchanges so the local telephone carriers can then be free to compete in long distance?

The second area I want to talk about is whether there should be limits in this country on the number of television stations you can own. Or, the number of radio stations you can own.

Why is that important? We now have in law a limit that you can only own 12 television stations. It says 12 is the limit; and those 12 can reach no more than 25 percent of the American population. Now, why would we have a law like that? Well, because we believe that there ought to be competition in the flow of communications and ideas and in the media.

How do you promote competition? By broad-based ownership; that is how. If you get concentration of ownership, if you get half a dozen companies owning everything, you do not have competition. So we said, in the television industry, you can only own 12 television stations that reach no more than 25 percent of the population.

Now, we write a bill, the telecommunications bill, that we say promotes this idea of competition; and guess what, the bill says, "By the way, we are going to change the law. Now you can have as many television stations as you want. You want to own 100? God bless you. You can own 100. It is no problem with us," they said. "And we want to, by the way, allow you to own as many as you want up to 50 percent of the population." Then they thought better of it and said, "OK, we better compromise; 35 percent of the population." So you can own as many television stations as you want that reach 35 percent of the population in this country.

Well, anybody worth their salt knows what is going to happen as a result of that. We will see a half dozen companies in America owning almost all the television stations in our country. And if you look surprised 10 years from now when we reach that point and stand on the floor of the Senate and say, "Gee," scratch our head and say, "Gee, I never thought that would happen," let me just tell you it is going to happen. You know it is going to happen. And it's not good for this country. This is about pressure, politics, and big money; it is not about good economics and good competition. Look what has already been happening in this country. Mega media mergers. This is not a discussion in which I am trying to be pejorative about all these mergers. Some are probably just fine.

People say, "There's all this competition. Why should you worry about somebody owning more than 12 televisions stations? We have 250 channels or 500 channels." That sounds interesting. One of the major networks owns 19 cable channels, 19. So when you say we have 19 channels, is that competition where the same company owns it? I do not think so.

Here is a new mega media merger. We witnessed their big grins, smoking their cigars talking about this merger. Time Warner and Turner Broadcasting Co. Both are good companies. People I admire work for these companies. But let us look at the size of these companies. Time Warner decides to merge with Turner, for a total of $18.7 billion in revenue. Look at their cable holdings: CNN, TBS, TNT, Court TV, HBO, Cinemax, Comedy Central, Warner Brothers Television Network, New York 1 News Channel, on and on. You see the publications, the cable systems.

Mr. KERREY. I wonder if my friend from North Dakota will yield?

Mr. DORGAN. I will be happy to.

Mr. KERREY. First of all, I ask my friend from North Dakota, Mr. President, is it not the case that one of the arguments we have heard all along for this bill that we are going to get more competition?

Are Time Warner and Turner competitive?

Mr. DORGAN. Yes.

Mr. KERREY. Will we not get less competition as a consequence of bringing these two companies together?

Mr. DORGAN. Yes, that is exactly the point. When you have mergers, it means companies that used to be two get married up and now they are one.

Mr. KERREY. I wonder if my friend also will talk about something else that I think is terribly important. That is, all of us, when we go home and talk to people who are working, they feel a great deal of insecurity about their jobs today. As I saw that announcement, it seems to me I heard them say that there may be somewhere between 5,000 and 10,000 fewer jobs as a consequence of this merger, that they are expected to have some savings, as they call it, as a consequence. I believe I also saw Ted Turner is going to get $20 million a year for 5 years and Mike Milken got $50 million for shaking hands, none of which I doubt will benefit those people who will lose their jobs.

James Fallows the other morning talked about the fact that a single corporation, Boeing, laid more people off in the last 5 years than every corporation in Japan has over that comparable period of time.

What is going on, I ask my friend from North Dakota? We heard all through this debate that this piece of legislation was going to create jobs, that we are going to get more opportunity, that this is going to be good for the American worker? Do you see it that way?

Mr. DORGAN. I do not see it that way. I am going to go through a couple of charts and talk about the mergers, the corporate weddings where people get together and say, "Bigger is better. There used to be two, we are now going to be one, we don't have to compete. We control the markets."

They say, "This is all about competition. We are going to have competition and competition is good for people." Not in this case. This is about concentration, the issue of whether you ought to limit the number of television stations you own to 12, as in current law. Some feel maybe we ought to make an adjustment. It should not be a political adjustment by somebody in Congress who says, "Gee, let's remove the shackles from the folks who want to buy 100 television stations." Maybe that ought to be made by the Federal Communications Commission after an

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evaluation of what represents effective and good competition, what is in the public interest.

ABC and Walt Disney got hitched a couple months ago; ABC and Disney. Let us look at what all this means. Disney, 11 television stations so far: Walt Disney Television, Touchstone, Buena Vista. They have cable: Disney channel, ESPN, Lifetime, they have 10 FM radio stations, 11 AM radio stations, publications, retail, motion pictures.

Put all of this together and what do they have? Less competition. Is that bad? Not necessarily. I am not saying every merger is bad. I say when you look at the confluence of mergers in this industry, you cannot conclude at the end of that look that this is good for competition. You cannot at the same time brag about the virtues of competition and then create a bill that gives you a fast slide toward more concentration. That does not fit.

CBS and Westinghouse just announced they were fond of each other and decided they would have an arrangement to get together. I do not know much about either of them, but let us look: 15 television stations owned by CBS broadcasting; Westinghouse has 18 AM stations, 21 FM stations; they have cable channels, publications, a whole range of broadcasting properties, $4.5 billion revenue.

Another merger, Gannett and Multimedia—15 television stations, $4.5 billion revenue.

NBC and GE, they are folks looking around to figure out who they can put together. There have been no mergers here, but there is lots of speculation in the press about if this group is able to be out there alone when everybody else is forming new partnerships. Fox, take a look at Fox.

Mr. KERREY. I wonder if my friend will yield for an additional question.

Mr. DORGAN. I will be happy to.

Mr. KERREY. One of the things the public needs to understand, it seems to me, is that these companies have been given public franchises. They made their money not as a consequence of going out and starting a business and trying to get customers to buy their product. Their business began by coming to Washington, DC, and getting a public franchise, in many cases a monopoly franchise.

The phone company is a monopoly. It is not a competitive business. It is not a farm in North Dakota or a manufacturer in Nebraska. This is not a person who said, "Gee, I have an idea. I want to go to my bank, borrow a little bit of money, put a little bit of my money on the line, go into business and get customers to buy my products."

You have 12 stations on that list on the left. These are franchises granted by the people's Government to these businesses. In the case of each of these stations, even if some of them do not make any money, just by holding a contract with the Government, the franchise that they have been given has value. They sometimes sell these stations for 20 times earnings simply because people know that there are a limited number of franchises. There are only so many that we can grant to these companies.

So they own something that the people have given them, they have made money as a consequence of the Government having granted them a license, and now they come in and object, very often, to us putting rules in place. They say, "Oh, no, let the market take care of this."

They did not make their money off the market to begin with. Certainly, they are out there selling and certainly there is a competitive environment. It seems to me, however, that it is a different kind of business than most small businesses and most entrepreneurs and most free enterprise capitalists who start off and try and engage in the competitive exercise of producing revenue from customers.

Mr. DORGAN. I agree with the Senator. The point is, these are important properties, and the reason we provide them franchises is the communication industry is a very important industry. I am not unmindful of the fact that some of these are very good corporations, very well run. I am not critical of individual corporations. I am critical of a mindset that says it does not matter how big you get, you can combine all you want and earn all you want and the public interest be damned. I am critical of that, because I think there is a public interest in maintaining and fostering competition in this country. The fewer corporations you have in an industry, the greater concentration you have, by definition the less competition you have. And that does not auger well for the American people.

The Wall Street Journal has an article. I want to read the headline: "Immediate Consolidation Has Left and Right Worried About Big Firms Getting a Lock on Information."

You talk about an odd couple. A picture of Bill Bennett and Jesse Jackson. That is both ends of the political spectrum, both of them essentially saying the same things: Worried about media concentration, media consolidation, stemming the flow of ideas, the competition that comes from having ideas moving from different centers of energy.

We need to reform our telecommunications laws. But this bill is in deep, deep trouble. If you try to push this bill through the White House, I think the President is going to veto it. I think what he said publicly indicates he is going to veto it, and I think he should veto it. He ought not in a million years allow a bill to come to the White House where a bunch of politicians decide, "Hey, boys, let's take the limit off the number of television stations you can own. Let's say the sky is the limit." That is not in the public interest. That may be part of a deal somebody wants to make around here, but that is not in the public interest.

That is why when we had a vote on an amendment I offered, with the help of the Senator BOB KERREY from Nebraska, we prevailed, that is why we won. A lot of folks did not feel comfortable voting against an amendment that says, "Hey, let's have the FCC determine what kind of limits are in the public interest, instead of a bunch of politicians saying we are arbitrarily going to say the sky is the limit on the number of television stations you own."

So we won the vote, and then, politics of course—and somebody changes their vote and we lose.

The reason I come to the floor today is to say, if you try to push this kind of bill without a role for the Department of Justice on the issue of antitrust and on the issue of where there is competition with respect to the telephone industry, and when local carriers who have a monopoly are free to go out and compete in the long distance area, if you try to push a bill without the opportunity for the Justice Department to weigh in on this question of public interest and competition, I think the President will veto it.

If you try to push a telecommunications bill through conference committee that says the sky is the limit on television ownership, we do not care about concentration—the bigger the better, and the less competition the better, I think this President will veto it.

In conference, if we can make changes in this bill dealing with ownership limits on television stations and radio stations and make some changes with respect to the role of the Department of Justice, I think this bill will advance. If it keeps protection for universal service, then this bill can and will advance and should be signed by the President. If not, I hope very much the President says, no, this is radical and extreme and should not pass.

I yield the floor to my friend from Nebraska, Senator KERREY.

Mr. KERREY. Mr. President, first of all, I thank my friend from North Dakota for this presentation. I would like to be able to vote for a piece of legislation. I have spent a great deal of time on telecommunications. I am prepared to not only embrace the future but place a bet that there is tremendous opportunity for us in technology. Many of our systems need to rapidly acquire the transmission capacity to use these new technologies, as the computer moves from a calculating device to a communication device—I think, especially, for example, for our university systems.

I just had a meeting a couple of weeks ago in Nebraska with an individual with a very large software company who happens to be from a farm not far from Ashland, NE, and who came back to try to help us bring computer technology into our university. It is a tough transition. The university is sitting there with a real problem. They

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have increased enrollment as people recognize that a college degree is worth an awful lot more than a high school degree. Student enrollment has almost doubled in a 4-year period as that demand goes up. In addition, what a person needs to know coming out of college is that there is a doubling, tripling, quadrupling of the requirements of the universities and they cannot get the professors and instructors to do more for less. The tax base will not allow us to build more buildings rapidly enough to be able to accommodate the demands. Only one thing can do that for us, and that is computer technology.

We are trying to figure out how to get these systems into an old system that does not replace the old system but augments it. Well, there are real serious problems trying to make those adjustments. We just got a couple of grants to match local commitments for three schools in the State through the Department of Education, and that will leverage a great deal of the private sector, as well as local money, to get the job done. But those are a couple of schools amongst many who are trying to bring this technology into the educational environment. I was pleased that a majority of this body, the Senate—I do not believe it is in the House bill—but in the Senate language we included a provision I cosponsored which provides for preferential rates for local K-12 schools. Connectivity may represent only 17 percent of the total cost of bringing information technology into local schools, but it is an awful lot of money. It is a principal barrier for many communities that do not, as I say, have competitive choice; they do not have competitive choice now, and they are not likely to see it for a long period of time.

So I do not want anybody to suffer under the illusion that I do not support change. I believe our telecommunications laws need to be changed. I am prepared to embrace the future. I am prepared to put down a bet. I am prepared to help institutions from the K-through-12 environment through the postsecondary, and indeed for Congress to bring this technology in so it becomes part of our core competency so that we are able to improve our efficiency.

We are going to debate in reconciliation the earned-income tax credit. One of the biggest reasons EITC has had trouble has nothing to do with the merits of being able to help people at the lower end of the economic scale—a woman, for example, that you see at your checkout stand at the grocery store making $7, $8 an hour, $12,000 to $15,000 a year, trying to support a couple of kids. That is better than being on welfare. So we want to refund your taxes and give you a couple thousand dollars so you can buy health insurance. Well, the IRS has a tough time doing it because it does not have a good information system.

I am prepared to embrace technology and place a bet because I believe there is tremendous merit in it. However, if we change the law to produce less competition, not more, to concentrate the power into fewer and fewer hands, to concentrate not only the power of economic decisions—but, I point out to Americans, it will concentrate the power of the individuals to be making decisions about what to tell us is going on in the world—these deals being done in anticipation of this law being changed will present Americans in their homes with fewer news choices. Fewer people will be telling us what is going on out there in the world.

I would love to be able to stand on this floor and vote for a piece of legislation that changes the law. I believe strongly, first of all, that there needs to be preferential rates for education. I believe strongly what the Senator from North Dakota is saying, that concentration in television stations would be a mistake. I believe strongly, as well, that we are far better off, instead of having a 10-part test that the Federal Communications Commission is going to look at to determine whether there is competition, to have the Department of Justice with a role in making the decision regarding entry by the regional Bell operating companies into the long distance market.

Mr. President, earlier, before I came to the floor, I was discussing with staff the reconciliation bill, trying to prepare myself for that debate. There is a lot about it that we do not know yet. We have not seen the details on the Medicaid proposal or the Medicare proposal, and there is a lot of discussion on the tax side of it and so forth.

One of the things I have said to staff is—and I will say to the people at home when discussing this—before we can talk about what kind of a budget we have here in Washington, we have to have jobs and growth and income out there in the private sector. That is where the money comes from. One of the most remarkable constants in this town over the last 70–80 years, really—is that the percentage of money that we withdraw for Federal expenditures from the economy has stayed, except for World War II and the Vietnam war, roughly 19 percent. It is about $1 out of $5 we bring to Washington for a variety of things. One of the disturbing things I find is that we are transferring more and more of that and investing less of it. Almost 7 cents out of every 10 cents, or 70 cents out of every dollar today, is transferred out for retirement, health care, or other sorts of things. That is a real concern.

We now know there is a great deal of consensus—and some may not believe this, but I believe that it is important for us to have laws, whether it is the regulations we have or the tax laws we have, and it is important for us to have expenditure patterns that produce economic growth.

Without economic growth, without people out there that are willing to invest money and willing to run the risk, whether it is a big or small business, it seems to me that we have serious problems.

Indeed, during the week that we took off to be at home last week, the Census Bureau came out with numbers that showed that as a result of the economic growth that we have been enjoying in the last 15-some months, we have seen the rates of poverty drop—not just the rates of poverty, but the number of people who are trapped in poverty has decreased. In almost every State—certainly in Nebraska—as a result of economic growth, we saw a substantial decrease of almost 20 percent in the number of people who are in poverty.

Now, the alarming thing in that—we know if we have rules and regulations and tax structure and expenditure patterns that produce economic growth which we have to constantly watch and make sure that we have, if we have economic growth then we do see the boats of those who are poor begin to lift, a good piece of news.

However, the Census Bureau said there is a continuation of the widening between the economic haves—those in the work force, not on welfare, at the lower end of the economic spectrum—and those like Members of Congress that are at the higher end of the economic spectrum. There is a widening gap. The market growth all by itself does not seem to be fixing that problem.

One of the downward pressures upon wages in this country is the concentration of power. No question about it. You cannot read whether it is a bank merger or a megamedia deal that the Senator from North Dakota talked about earlier, every single one of the transactions talks about thousands of people being laid off. Every one.

You have the Time-Warner-Turner deal up there earlier, that was the most egregious example, because they said 5,000 to 10,000 jobs would be lost. However, the good news is Ted Turner will get $20 million a year for 5 years and a convicted felon will get $50 million—Mike Milken.

Workers out there are saying, well, we are doing everything we are supposed to be doing: should the laws this country be written so that people can come in and merge the deal? And maybe it is a good deal. I am not coming down here proposing we change the law to prohibit this, but it is painfully obvious that inside of this transaction we are creating something that will create significant problems: 5,000 to 10,000 people being laid off, and a couple of guys making a heck of a lot of money.

It is not like we are talking about somebody starting a chain of restaurants or somebody—a doctor or somebody—that started a business from scratch.

These are companies that made their money as a consequence of a Government franchise. They were given the right to broadcast. They were given t

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right to operate cable companies. They did not go out there and start this business out there in the wild blue yonder.

Mr. BURNS. Would the Senator yield?

Mr. KERREY. I am happy to yield to the Senator.

Mr. BURNS. Would you also relate what you are talking about to the Homestead Act?

Were the farms and lands granted to individual ownership by an act of the Homestead Act?

Mr. KERREY. If you want to talk of the Homestead Act, it has many specific requirements for the individual to develop, and if they worked the land and developed the land, they owned the land.

Mr. BURNS. Would you make the same comparison that spectrum—even though granted by this Government—has no value unless investment is made in equipment to make it valuable in the Government, I suggest to my friend in Nebraska, the Government did not go out there and buy—did not put up the tower, did not pay for the technology.

Mr. KERREY. I am pleased to acknowledge that is the case, in fact. No question that it is true that when we give somebody a monopoly franchise, when we give them that and say it is yours, there is no question they have to make an investment.

Mr. BURNS. Did we not make the same requirements when we gave the land, probably what your house sets on, and our house and my house, probably the folks up there, did we not make the same demand that we had to make——

Mr. KERREY. Mr. President, I ask the Senator from Montana, what is the point? I acknowledge that is the case.

Mr. BURNS. The point is that the land was granted and then there was a property right. The point is there was a property right—they could buy and sell that land from that point on without Government intrusion.

I just want to make that comparison, and I also ask is there anything in this act——

Mr. KERREY. I can answer the question, now I understand what the Senator is saying.

You are saying that bandwidth and a piece of real estate are the same? They are not the same. In that regard they are not the same. The people's airwaves are licensed.

Mr. BURNS. If it were not for the Homestead Act you could say it is people's land.

Mr. KERREY. It is not the same.

Mr. President, I ask the Senator from Montana, did the Senator believe we should not pass laws restricting what broadcasters can put over the airwaves? We do not have similar laws for people in their home. I can engage in any kind of discussion I want inside my house.

Do you think, I ask the Senator from Montana, should we have pornography laws in place or let the market dictate—they own it, for gosh sakes. Let them put whatever they want over the airwaves. Does the Senator from Montana believe the Government should not write decency laws in place to protect the communities?

Mr. BURNS. I imagine if you did that on private land you will have a neighbor holler at you.

Mr. KERREY. I ask the Senator from Montana a question: Does he believe that the people of the United States, having granted a franchise to somebody to operate a service using a piece of the frequency bandwidth, should say, "You own it, do whatever you want? It is yours, have some fun with it. If you want to show pornography on television at 6 o'clock go do it."

I am asking the Senator from Montana, does he believe that the people's laws should be written to protect against pornography, or does he believe we ought to change the laws to say, no, you own that, we get rid of pornography laws, let the market take care of it?

Mr. BURNS. I say there are certain rules but there are rules and regulations placed on land ownership.

I want to say that the land originally that was purchased by this Government through the Louisiana Purchase was paid for by the taxpayers of this country, taken from the Treasury. And then it was given, 160 acres to anybody that wanted it, who could stake it out and build a house and make it produce. After that it becomes—

I say what is the difference when you take a grant from a Government on a resource——

Mr. DORGAN. Let me reclaim my time, if the Senator would indulge me.

Mr. KERREY. I have the floor, Mr. President. I yielded to the distinguished Senator from Montana to ask a question and we have gone beyond that.

I am perfectly willing to have a debate about the comparative analysis between the Homestead Act and private property and franchises granted to phone companies to have a monopoly to deliver a local telephone service or to a television station or radio station to broadcast over public airspace.

I am perfectly willing to acknowledge certainly there is a similarity in having granted that franchise that people make substantial investments.

Mr. DORGAN. If the Senator would yield, the Senator from Montana raises an interesting but irrelevant question.

It is always interesting to hear irrelevant questions but this is irrelevant.

I guess the proposition you are trying to develop here is that concentration does not matter. If you receive a franchise to send a television signal, you have that and you do what you want. If you want to concentrate and bring them into one ownership pattern in this country that is fine.

The issue here we are talking about is concentration—not the television band, but the concentration.

I bet the Senator from Montana cares a little bit about concentration in the meatpacking industry. We have not talked about that. But I bet when you have three, four, five companies commanding 85 to 90 percent of the meatpacking industry, creating the neck on top of that bottle that forces down ranchers and holds their prices down, I bet the Senator from Montana cares about that.

If he does, and I think he does, and I care not only about that but I care about the big agrifactories that will be the superagrifactories farming America pretty soon, the fewer family farmers we have the more concentration you have and the less advantage you will have for the consumer because it is not in this country's interest to see concentration. It is in this country's interest to see broad-based economic ownership.

If it is true that the Senator from Montana believes that concentration in the meatpacking industry is a problem, and I think he does, and God bless him for that, I think that is in the interest of Montana ranchers and North Dakota ranchers to believe that, is there a point at which the Senator from Montana would believe that concentration in this industry is a problem?

If there is, then we ought to debate where is that point. He may figure you can have a dozen more of these mergers and there is not a problem but this will be a point, I assume, where he might also think that the concentration in an industry we are moving about ideas and information is as dangerous in this country as the concentration in the meatpacking industry is to his ranchers.

If that is the case, then we ought to be debating not whether concentration is good or bad, but how many more of these does one need to see before one understands that saying the sky is the limit on the number of television stations you can own is good for America. That is the point we are making today.

Mr. BURNS. I would get very upset. We have already filed an action, as far as IBP is concerned, on meat packing.

Mr. DORGAN. So the Senator agrees the concentration of the meatpacking industry is damaging?

Mr. BURNS. I would. I would be very concerned about this. But there is nothing in this piece of legislation as passed by this Senate that repealed the Sherman Antitrust Act. We did not repeal the Clayton Act, or the Hart-Scott-Rodino Act.

In other words, the Justice Department is not cut out of this. Somebody has to bring an action, and I imagine before now—and, remember, this is happening under the present law. This is happening under the present law. Not under one we are going to go to conference on.

Mr. DORGAN. But some of this is happening in anticipation of us passing what my colleague and others have supported. In fact, some of these mergers now have more television stations involved than they are permitted to hold. Why would they do that? Because

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they know some in here have said we want to take the limits off the number of television stations you can own, so, because they are going to do that for us, we are going to start gearing up and have more stations than the current law allows. So they are anticipating what you are going to do for them. I am saying what you are going to do for them is not good for this country, that is the point.

Mr. BURNS. This Senator is not going to get into the business of forecasting what might happen. I am saying this is probably the biggest jobs bill we will pass. I just wanted to throw that in there.

Do we repeal any of those antitrust acts that are now the law of the land? No. And, on spectrum, has it any value at all until someone makes the investment to make it valuable? And then does it become a property right? That is what we have to see.

Those of us who live in the West—I think the Senator from North Dakota is very sound in his thinking, and understands the same values that I understand, because western North Dakota and eastern Montana are awfully a lot alike, on the way they think. But, if we took that case, basically, then maybe we should not have granted all that land to private ownership. Maybe we should have Government control all the way. In other words, I do not know how it is halfway/halfway/halfway.

But I ask those questions. I would be concerned about concentration because I think we will finally get to a point where Justice will have to step in on the meatpacking industry. But we have the laws in place for them to do so. The same laws would apply to concentration here.

Mr. DORGAN. My point is—and let me restate the point, probably more clearly. My point is on both areas of this bill. One is the trigger of when you have competition in the local telephone exchange so the monopoly carriers there, the Bell systems, are allowed to go out and compete against long-distance carriers. That trigger is a trigger that does not have the active participation of the Justice Department determining when there is competition. So you have, in my judgment, largely eliminated or limited Justice's role. Second, my point is we have affirmatively changed the law in this legislation that says: We used to say you can only own 12 television stations in this country because we thought that was in the public interest, but, guess what, we have folks here generous enough to believe you ought to be able to own as many as you like, the sky is the limit. Both of those changes, both of those actions taken by this Chamber, in my judgment, move against the public interest. That is the point of it.

The fact is, there are things in this bill that are good. I agree with that. And we ought to do a bill. I agree with that. But you move this bill with those provisions in it forward and it is going to get vetoed and it ought to get vetoed. That is the point of it.

We are about to appoint conferees to sit and have a conference, and there is not much disagreement between the House and Senate on these provisions, unfortunately. We have sort of the same mindset. My point is, it is a mindset not good for the people of this country.

The Senator from Montana makes some interesting points on the issue of spectrum. "Is it not true that when spectrum is given someone and that person makes an investment, does that not enhance the value of the spectrum?" So, of course, the Senator wins a debate we were not having. Of course. That is not the point. The point is concentration.

It is the point in both areas we are talking about, the telephone service and competition, the issue of concentration, and the issue of when the Department of Justice has a role and what role. And also the issue of concentration of media ownership.

I should put up a couple of other charts. I had a chart of TCI, a very large cable company, and a chart with Viacom, which has substantial holdings in a number of areas.

Let me point out, it is not my intention to say many of these companies are bad companies. They are wonderful companies, that have done breathtaking things in communications for which I offer them my heartfelt congratulations. Substantial progress has been made as a result of inventive people who work in these companies.

My point is concentration of ownership. I am a Jeffersonian Democrat. I am one of those people who believe broad-based economic ownership and healthy, robust competition is what advances and drives the best interests of this country. Concentration always augers against the interests of the market system in this country, in my judgment.

I will be happy to yield again to the Senator from Nebraska.

Mr. KERREY. Mr. President, I have said about all I need to say on this subject, having talked on it previously. I just say again, I would love to vote for a piece of legislation. I hope the conference committee comes back with one in a form I am able to vote for it. I am prepared not to just embrace the future but to make a bet, based on my strong belief that there is tremendous opportunity in education, tremendous opportunity for jobs in these new technologies.

But there are 100 million households in this country and each one of those individual households has very little economic power. When it comes time for them to make a purchase of cable service or phone service, when they are buying information services they are not buying at $1 million a month. They are buying at $20, $30, $40, $50 a month; very little economic power, very little. And the 16,000 school districts in America that operate individual schools at the local level, they have very little economic power. Both as a consumer of telecommunications services and as somebody who has been working with school districts in Nebraska, trying to get them hooked up to the Internet, trying to get them enhanced information services, I can tell you that when you do not have much economic power you do not have much choice. You do not have much leverage. You do not have much opportunity.

These guys who are doing these deals, they have real power. When you have a couple of billion dollars you can leverage an awful lot. But when you do not have much economic power you cannot.

The importance of this is not only consumer choice, not only the kinds of decisions that our citizens will be making as a consequence of who tells them what is going on in the world—and they are getting fewer and fewer numbers of people telling them what is going on in the world—not only is it relevant for those individuals in the household, but it is terribly relevant for our economy. Our economy has been robust and develops as a consequence of a competitive environment. The competition that matters the most is that entrepreneur who starts in business, who says, "I would like to approach that household, I would like to sell packaged information services in the households in Omaha, the households throughout this country, I would like to be able to approach those consumers and try to give them a competitive option and a competitive alternative."

Those are the people that this legislation ignores. This legislation has been put together with far more concern about the national companies, the regional companies—whether it is long distance or local—who come here and say this is what this is going to do for me, this is what it is going to do for the other guy.

This has been a balancing act from the beginning, between a range of corporations, long distance and local versus cable versus publishers versus all these big guys and gals who come into Washington and have access and are able to come and talk to us. This has not been put together by the entrepreneurs of America. It has not been put together by the consumers of America. It has not been put together by people who are either going to create the jobs—and most of the new jobs are not going to be created by these megacompanies. They are going to be created by the smaller startup companies. It has not been put together, in my judgment, in a fashion that is going to enable competition to really produce the benefits this Nation, I think, deserves and needs and expects.

Mr. DORGAN. Mr. President, I was originally considering, along with the Senator from Nebraska, offering a motion to instruct conferees this morning. But it turned out to be something that we thought was probably not

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fruitful and not the thing to do. So we, instead, came to the floor to describe a couple of major areas of this bill that tell us, and I think tell a lot of people, this bill is in trouble.

I hope after a lot of reflection that conferees will recant or repent or rethink these two issues and address the issue of competition in the right way. You cannot advertise competition when in fact the product you are describing is enhancing concentration. That is mislabeling. There is much to commend this legislation for, but these areas are of great concern to us.

I hope very much that we get a different result out of this conference. We decided not to offer a motion to instruct. But there is going to be a lot of attention paid to this conference by us, and by a lot of others in this country. The result of this conference will have a significant impact on what people in this country will experience in the future.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. Thirty minutes.

Mr. DORGAN. Mr. President, I have finished my presentation. The Senator from Nebraska has finished. The Senator from Vermont wanted 3 or 4 or 5 minutes. I will allow the Senator from Vermont to take whatever time he wishes and ask that he return the remaining time.

It is my understanding that the other side does not intend to use his time. When the Senator from Vermont completes his statement, we are finished with respect to the time agreement.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank my good friend from North Dakota. I was at another hearing, and I heard this debate was proceeding on the floor. I am concerned that we may end up in a situation with this conference where, among other things, the Senate does not even have Members of the Judiciary Committee on the conference.

The distinguished senior Senator from South Carolina, Senator THURMOND, who chairs the Antitrust Subcommittee of the Judiciary Committee, and I have written to the majority and minority leaders on this legislation asking that we be named, or people from our subcommittee on antitrust be named to the conference. I believe the House has named a number of Judiciary Committee members to their conference. Yet, we do not have anybody from the Judiciary Committee here.

There are significant antitrust issues. There are significant consumer issues. There are significant competitive issues, all of which have been looked at, explored and discussed by the Judiciary Committee. Yet, Senate Judiciary members will have no input in the conference, and we all know the bill is going to be written in conference.

When we remove competitive incentives, we all know what happens. Take a look at the cable industry. If you are fortunate enough to get cable television in Fairfax County, VA, you are faced with using antiquated equipment in the form of a set-top box that is kept on only because the consumers have to pay a monthly fee to use it even though the stuff would be in the trash bin otherwise. You pay a significant amount of money. But they can do that. They can give you an inferior product. They can give you out-of-date equipment. They can charge you for the use of outdated equipment because the cable company has a monopoly.

We are going to see some of the same things happen here without competition and without the consumer being considered in any way, shape or manner.

This bothers me a great, great deal, and it should bother all Senators, as it does Senator THURMOND and myself. This is not a conservative issue. Obviously, the two of us join on this question. But, rather, it is a basic, good-sense consumer issue. If you end up getting gouged in your cost, the people gouged will be both Republicans and Democrats and Independents. The people gouged will be in the North, the South, the East, and the West. One thing they will all share in common may not be a political ideology, but it will be the pain they will feel in their pocketbooks.

Yesterday, the House appointed 34 conferees to this conference. Of those 34, 14 of them came from the House Judiciary Committee. We do not see—as yet anyway—any Senate Judiciary conferees at all. They have 14. We do not even see any coming from the Senate Judiciary Committee.

As I said, earlier, Senator THURMOND and I sent a letter to the chairman and the ranking members of the Commerce Committee making clear our view that you should have Senate Judiciary Committee members. We would help with the conference to assure that those issues relating to antitrust and competition are resolved in a principled manner, good both for American business and American consumers.

If anyone would look at the hearings that Senator THURMOND and I and other members of our subcommittee have held on telecommunications legislation, they would see stressed the need for telecommunications reform both for business and for consumers.

Certainly, it does not take any special knowledge to know how critical telecommunications is to the economic health of our country, or to the education of our children, or to the delivery of health care services to our citizens, or to the overall quality of life in this country. In fact, the explosion of all these new technologies in telecommunications has fueled many of our newest innovations.

In the way I run my office—I know the distinguished Presiding Officer does the same—we do virtually everything in telecommunications by our computers. Just as frequently as we see memos or letters on paper, we also see electronic messages sent by computers. I stay connected by computer and telephone at home in the Washington area, in my home in Vermont, and at my office here at the Capitol. It is a given. When I get to Vermont this weekend, I will in effect be able to bring my office and my files, my filing cabinets, my staff, and everything else with me with a laptop computer. More and more of us do that. More and more of us are more efficient doing that.

But when we have legislation like this, we want to make sure that it expands those abilities and not contract them. Our challenge is to keep pace with the changes in the marketplace. But, if in keeping pace with them you pass legislation that stifles the growth of the industry, that quashes the opportunity presented by rapidly expanding telecommunications technology, then we have done a disservice to the country. We have done a disservice to consumers. We have done a disservice to business. We have done a disservice to the competitive edge of our Nation as we go into the next century.

So we have to make sure that our laws governing our telecommunications industries provide for future growth but to the benefit of consumers. We have to make sure that the promise of this legislation to open up competition in telecommunications is fulfilled because that is the bottom-line purpose of this legislation: to open up competition in telecommunications. If we do it wrong, we will not see new competition. We will see competition stifled. We will not see new innovation. We will see innovation stifled. We will not see consumers benefited. We will see consumers harmed. We will not see a cutting-edge industry having a chance to expand, but rather see the cutting-edge industry facing a dead end.

We have to understand that the Senate telecommunications bill is significantly different from the one passed by the House. This conference is going to be one of the most complicated, complex and difficult ones we have had in years. The conference is going to have to pick and choose between provisions in the two bills, provisions that are in many cases unreconcilable. They are not provisions like in an appropriations bill where maybe we can just split the difference. It is a case that you are either going to have to craft an entirely new provision or drop one or the other.

I think that given that situation it would be helpful to have input of Members with expert knowledge in antitrust issues. In fact, on the modification of final judgment, the MFJ, the House, to their credit, realizes that and has put Judiciary Committee members on the conference. The Senate has yet to do it.

In fact, the administration now threatens to veto this legislation for a number of reasons, including the need

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for a stronger test for Bell company entry into the long-distance business and also a more meaningful role for the Justice Department.

I also share the administration's concern about the legislation not only taking the lid off but also promoting increased cable rates. I mean, we have already lived through a period of skyrocketing cable rates. Congress took action to address the problem of cable rate increases when we passed the 1992 Cable Act over a Presidential veto. Let us not go backward in time, but go forward with responsible telecommunications reform.

Again, I use Fairfax County as an example. Here you see rates go up for antiquated equipment. Rates go up, we are told, for all these channels we get, most of which I doubt if anybody including the cable system ever watch. But if at 3 o'clock in the morning, you are moved with a great desire to buy 10 pounds of zircons, you have at least five channels that you are paying for to know where you can buy those 10 pounds of zircons. Or, if you need to have your soul saved there are at least 10 different people at any given time who will tell you that your soul will be saved but only if you send the money to them. I guess they give you a plaque saying you have been saved. None of the 10 says why the other 9 should not get the money and why you get less soul salvation from them.

Well, that is fine, but I just wonder whether there might be a little more filtering, a little more selectivity, if there was competition here. Without competition, their rates go up. We see the same thing in local telephone service. Their rates go up because competition is not yet available.

Now, we know that there is a need for new legislation. Certainly the legislation from the 1950's, 1960's, 1970's, and early 1980's cannot keep up with the technology of today. But let us make sure we do not turn the clock back both for business and consumers. Rather, give us a chance to use the marketing and technological genius of our great country as we go into the next century.

I worry also about issues like criminal penalties for engaging in constitutionally protected speech that occurs over computer networks. Right now a provision in the Senate telecommunications bill would penalize you, if you are, for example, a botanist and click onto an online article on wild orchids, but suddenly find something that is not the kind of wild orchid you grow in your planter but reference to an obscene movie. The fact that you even clicked on, downloaded and found out what it was, you could be prosecuted. The distinguished Presiding Officer uses the Internet as I do, uses his computer as I do. Not that this would ever happen, but suppose he sends me a message disagreeing—I say it would probably never happen—but disagreeing with a political position I took. And suppose I sent back a message to him and in the heat of the moment was less than senatorial in my courtesy toward him and used terms that neither he nor I would use. I use this, of course, as a hypothetical, Mr. President. I could be prosecuted under this bill for doing it.

The interesting thing is he might be prosecuted for receiving it even before he knew what was in there, and certainly should he get incensed by what he received he could be in a real heap of hurt if he sent back, and you're one, too.

These are the kinds of silly things that we have crafted in this telecommunications bill that we ought to take a second look at. It might make us all feel good at the moment, but the long-range implications are weird and we ought to look at all of these issues.

The distinguished chairman of the Commerce Committee, the distinguished chairman of the Judiciary Committee, the distinguished ranking members of both of those committees and so many other Members in this body, Republicans and Democrats alike, have worked so hard to get a bill out of here. Let us not in almost a sense of final relief of throwing it out the door, throw out something that is going to come back and bite us. It will not just bite the 100 of us, but hundreds of millions of consumers and dozens and dozens of businesses that deserve better.

So let us appoint Judiciary Committee members. It does not guarantee that everything that I might want or Senator THURMOND might want would be on that bill by any means. But it might mean that those with expertise in the areas of antitrust, first amendment rights, and so on, would have a choice, and we might have better legislation as a result.

Mr. President, I understand that neither the distinguished Senator from North Dakota nor anybody else wishes to speak over here.

I might ask the distinguished Senator from South Dakota if it is his same feeling as the distinguished Senator from North Dakota, that upon completion of this we just yield back all the time?

I understand it is, Mr. President, and I yield back all time.

Mr. PRESSLER. Mr. President, I would just like to make a couple of remarks regarding the distinguished Senator from Nebraska.

Mr. LEAHY. In that case I think I will reserve the remainder of the time, Mr. President.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would say that through this legislation we are trying to address and correct some of the problems raised, and we will be proceeding with the conferees after they are agreed to. I thank all of my colleagues who have participated in this debate, and I am prepared to yield back the remainder of our time on this side.

I am prepared to yield back the remainder of our time.

Mr. LEAHY. I yield back the remainder of our time.

The PRESIDING OFFICER. Under the previous order, the Senate disagrees with the amendments of the House, agrees to a conference requested by the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees: Senators PRESSLER, STEVENS, MCCAIN, BURNS, GORTON, LOTT, HOLLINGS, INOUYE, FORD, EXON, and ROCKEFELLER.

Mr. PRESSLER. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

HOUSE-SENATE CONFERENCE ON TELECOMMUNICATIONS REFORM HAS IMPLICATIONS FOR FIRST AMENDMENT APPLICATION TO THE INTERNET

Mr. FEINGOLD. Mr. President, today the Senate appointed Members to the House-Senate conference committee on telecommunications reform. The historic nature of this legislation and its effect on the lives of every citizen of this country goes well beyond the issues associated with regulation of telephony, cable rates, and other forms of communications. Mr. President, this legislation has dramatic implications for the first amendment rights of every American.

Mr. President, I am referring to the precedent-setting provisions in S. 652 and H.R. 1555 regarding indecency on the Internet. I am here today to urge each Senate conferee to take the first amendment issues of these bills seriously and to consider the ramifications of these provisions not just for speech on the Internet but for all speech in this country. During conference deliberations, I urge Senate conferees to strike the potentially unconstitutional provisions regarding on-line indecency contained in both the Senate and House versions of this legislation.

The issue of Government censorship of the Internet is a critical first amendment matter. Guaranteeing the Internet is free of speech restrictions, other than the statutory restrictions on obscenity and pornography on the Internet which already exist, should be of concern to all Americans who want to be able to freely discuss issues of importance to them regardless of whether others might view those statements as offensive or distasteful.

Specifically, Mr. President, the Exon-Coats amendment, added to S. 652 on the Senate floor, included provisions which I believe violate the first amendment rights of Internet users and will have a chilling effect on further economic and technological development of this exciting new form of

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telecommunications. When this matter was considered on the Senate floor, I urged my colleagues to reject the Exon-Coats amendment in favor of legislation requiring the Department of Justice to carefully study the applicability of existing obscenity statutes to computer networks, which Senator LEAHY and I offered as an alternative.

Specifically I have objected to the indecency provisions of S. 652 for the following reasons:

First, indecent speech, unlike obscenity, is protected under the first amendment to the U.S. Constitution; second, an outright ban on indecent speech on computer networks is not the least restrictive means of protecting children from exposure to such speech on the Internet. There are a number of existing tools available today to allow parents to protect their children from materials which they find inappropriate; third, a ban on indecent speech to minors on the Internet will unnecessarily require adults to self-censor their communications on the Internet; fourth, since indecency will be defined by community standards, protected speech by adults will be diminished to what might be considered decent in the most conservative community in the United States and to what might be appropriate for very young children; fifth, the on-line indecency provisions will establish different standards for the same material that appears in print and on the computer screen. Works that are completely legal in the bookstore or on the library shelf would be criminal if transmitted over computer networks; sixth, the Supreme Court has ruled that the degree to which content can be regulated depends on the characteristics of the media. The unique nature of interactive media must be considered when determining how best to protect children. S. 652 ignores the degree to which users have control over the materials to which they are exposed as well as the decentralized nature of interactive technology which liken it more to print media than broadcast media.

Mr. President, the Senate was not alone in its rush to judgment on the controversial and highly emotional issue of pornography accessed via computer networks. Section 403 of H.R. 1555, known as the Hyde amendment, raises equally serious concerns with respect to the first amendment and appears antithetical to other provisions contained in the House bill. The prohibitions against on-line indecency contained in the Hyde language will have a similar chilling effect on the on-line communications of adults. The Hyde amendment is also inconsistent with the more market oriented and less intrusive provisions of section 104 of H.R. 1555, the On-Line Family Empowerment Act introduced by Congressmen COX and WYDEN, as adopted by the House. Section 104 recognizes that first amendment protections must apply to on-line communications by prohibiting FCC content regulation of the Internet. The Cox-Wyden provisions also promote the use of existing technology to empower parents to protect their children from objectionable materials on the Internet, and encourages on-line service providers to self-police offensive communications over their private services.

In addition, the Hyde amendment is incompatible with the pro-first amendment provisions of section 110 of H.R. 1555, which requires a report by the Department of Justice [DOJ] on existing criminal obscenity and child pornography statutes and their applicability to cyber-crime. Section 110 also requires an evaluation of the technical means available to enable parents to exercise control over the information that their children receive on the Internet. Perhaps most significantly, section 110 embraces the application of first amendment speech protections to interactive media. H.R. 1555, while embracing the principles of restraint with respect to new criminal sanctions on protected speech and the promotion of a free-market parental empowerment approach, simultaneously ignores both of those axioms with the Hyde provision. By imposing new criminal sanctions on indecent speech and amending existing criminal statutes, the Hyde amendment rushes to judgment before the DOJ study has even begun.

Mr. President, recently the Senate Judiciary Committee held the first ever congressional hearing on the issue of cyberporn. Based on the testimony of the witnesses, which included parents as well as victims of cyberporn, it became clear that the objectionable communications on the Internet are already covered by existing criminal statutes. The concerns raised at the hearing centered upon trafficking of child pornography, the proliferation of obscenity, and the solicitation and victimization of minors via the Internet. However, those offenses are already violations of criminal law. Indeed, recent press accounts indicate that law enforcement officers are already aggressively prosecuting on-line users for violations of criminal law relating to obscenity and child pornography.

It is critical that we use law enforcement resources to prosecute criminal activity conducted via the Internet and not be distracted by the issue of indecency which has not been identified as a serious concern by users or parents. It was clear, during our recent Senate hearing, that the witnesses' concerns about the Internet did not relate to indecent speech or the so-called seven dirty words. It is incumbent upon Congress to wait for the results of the study required by H.R. 1555 before embracing overly restrictive, potentially unnecessary, and possibly unconstitutional prohibitions on indecent speech contained in both versions of telecommunications reform legislation.

Mr. President, I urge the conference committee to reject the Exon-Coats and Hyde provisions during its deliberations and to maintain the Cox-Wyden amendment adopted overwhelmingly by the House of Representatives. If the United States is to ever fully realize the benefits of interactive telecommunications technology, we cannot allow the heavy hand of Congress to unduly interfere with communications on this medium.

Furthermore, Mr. President, I urge Senate conferees to recognize that if the first amendment has any relevancy at all in the 1990's, it must be applied to speech on the Internet. As Members of this body sworn to uphold the Constitution we cannot take a cafeteria style approach to the first amendment, protecting the same speech in some forms of media and not in others. Shifting political views about what types of speech are viewed as distasteful should not be allowed to determine what is or is not an appropriate use of electronic communications. While the current target of our political climate is indecent speech—the so-called seven dirty words—a weakening of first amendment protections could lead to the censorship of other crucial types of speech, including religious expression and political dissent.

I believe the censorship of the Internet is a perilous road for the Congress to walk down. It sets a dangerous precedent for first amendment protections and it is unclear where that road will end.

CHILDREN'S TELEVISION

Mr. LIEBERMAN. Mr. President, I rise today to continue the discussion that I gather a few of my colleagues here in the Senate began earlier in the day as a result of the fact that conferees have been appointed to deal with the telecommunications bills that have passed both the Senate and the other body. These are very important bills dealing with a rapidly expanding, rapidly changing, ever more influential sector of not only our economy but our lives, that of telecommunications.

I rise today not to talk about the corporate structures that are overlapping or the technical details of the revolutionary changes occurring in telecommunications but to talk about the content, talk about what is broadcast on these increasingly important parts of our lives and particularly to focus on the ever-present box, the television, in our homes and the impact that what is on television has on our kids and therefore on our society.

The Senate and the House included in their telecommunications bills the so-called V chip, or violence chip, or C chip, as we like to call it, choice chip provisions that I was privileged to cosponsor with the Senator from North Dakota [Mr. CONRAD], but which was supported by a very strong bipartisan group in the Senate to create the technical capacity in parents and viewers generally to have some control over what comes through the television screen and affects our kids and also to require the industry to create a rating

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system that would make it easier for a parent or anyone to block out shows either rated as too violent or containing lewd material, language or scenes or otherwise—all of that I think an expression of what I am hearing and I would guess the occupant of the chair, the distinguished Presiding Officer, is hearing from his constituents in New Hampshire, that what we are seeing on television is becoming ever more morally questionable; so much sexually inappropriate material is working its way into what is known as the family viewing hours from 7 to 9 in the evening, and it is having an effect on our kids.

I find over and over as I talk to parents in Connecticut that they will say to me: Please do something about the violence and sex and lewd language on television and movies and music and video games because all of this is making us feel as if we are in a struggle with these other great, very powerful entertainment forces in our society to effect the growth and maturation of our own kids.

They say to me, "You know, we're trying to give our kids values. We're trying to give them a sense of priorities and discipline, and then the television music, movies, video games come along and seem to be competing with the values we're trying to give our kids. So please try to help." And the V chip component of these two telecommunications bills is critical to that effort. And I hope that the conferees will keep the V chip component in there.

I know that the television industry is lobbying against it. But it is not censorship. It is really about citizenship. It is really about the television industry upholding its responsibility to the community. And it is about empowering parents and viewers generally to at least have some greater opportunity to control what is coming through the television screen into their homes affecting their children and their families. And it may in some sense, in doing that, make it easier for those of us who are viewers to express our opinions by what we are watching and what we are blocking out to the networks that we want better programming. We want programming that better reflects the values of the American people, which too much programming today simply does not.

Mr. President, I want to now focus for a moment on another arena in which this struggle to upgrade the television and to hope that it can do something other than downgrading or degrading our culture and affecting our kids; and that is to call the attention of my colleagues to a significant debate taking place at the Federal Communications Commission about the responsibility of the broadcast television industry to serve the educational needs of America's children.

What has stirred this debate is a ground breaking proposal being advocated by the Commission's Chairman, Reed Hundt, that would require a minimum amount of educational programming each week from each television station in America, 3 hours a week at first, growing ultimately to 5 hours.

Before the FCC closes its public comment period on this subject next week, I want to take this opportunity to share with my colleagues why I believe this issue should be of such concern to us and the FCC and why I am so grateful to Chairman Hundt for taking the initiative here.

I begin, Mr. President, with a little history. Congress has clearly been concerned about the content of television programming for our kids for a long time. Congress acted on that concern in 1990 when we adopted the Children's Television Act of 1990. And passing the legislation—incidentally, it passed with overwhelming, again, bipartisan majorities in both Houses—Congress made an unambiguous statement about television's extraordinary potential as an educational resource and our displeasure at seeing that potential squandered. Congress also made an equally unambiguous statement about the responsibility of the broadcasters as what might be called public fiduciaries in meeting the educational needs of and potentials of our children.

The fact is that the broadcasters have always been required the serve the public interest as a condition of receiving access to the public's airwaves, which is how they transmit to us, over airwaves that we, the public, own.

The report language for the Children's Television Act of 1990 states explicitly that as part of that obligation—I quote —"broadcasters can and indeed must be required to render public service to children."

To meet that standard, the Children's Television Act set specific goals for the industry. We asked them to increase the number of hours of quality educational programming for children that are on the air. We chose, I think in good faith and wisely, appropriately at the time, not to mandate a set number of hours of programming, instead, to make an appeal through the legislation to the television industry and to hope and trust that they would meet with specific action to broad goals we articulated.

Mr. President, I am sad to say that 5 years later it is clear that that trust has not been vindicated. Not only has there been no noticeable increase in the amount of quality children's programming on the air, but the fact is that the spirit of the act has been trod upon. Some local broadcast outlets have actually made a mockery of the act's requirements by publicly claiming that programs such as the "Jetsons" and "Super Mario Brothers" are educational. The "Jetsons" can be fun, but I would not say that it is educational.

Mr. President, just yesterday The Washington Post reported on a study that was released by Dale Kunkel, a researcher at the University of California in Santa Barbara, that concluded—it was an update of an earlier 1993 report on the broadcasters' compliance with the Children's Television Act. The conclusion was that the law has had little effect on the quantity of educational programs to be found in 48 randomly selected TV stations around the country.

Mr. Kunkel concluded that the vaguely written law allows broadcasters to engage in what he describes as "creative relabeling" of programs with dubious educational value. And there he points to stations that have claimed that the beloved, but usually not educational, "Yogi Bear" is an educational television program according to the study, and the claim by one station as to "The Mighty Morphin Power Rangers."

The researchers found that broadcasters reported airing an average of 3.4 hours per week of educational shows last year, exactly the same amount as reported after the law became effective. But he said that the averages have been inflated by such shows as "Yogi Bear," "Sonic the Hedgehog," "X-Men" and other shows, including a Pittsburgh station that put "America's Funniest Home Videos," an enjoyable show but not educational by my standards, into the education category.

Another in Portland, ME, claimed "Woody Woodpecker" and "Bugs Bunny and Friends" were educational, and five stations listed the "Biker Mice From Mars" as educational programs, obviously making a mockery of the intention of the act.

To add insult to the mockery, I would offer this testimony, one recent report that said one station in Cincinnati went so far as to list two Phil Donahue shows as educational to improve its compliance with the Children's Television Act. And the content of those two shows were: The first one on "Teen-Age Strippers and Their Moms" and, second, "Parents Who Allow Teenagers to Have Sex at Home," which is part of the normal fare on the daytime television talk shows, a subject for another series of comments in terms of the impact it is having on people who are watching and kids who watch, but surely not educational.

Mr. President, this kind of callous disregard for kids is all too evident in what we are seeing coming over the television screen. As a study by the Center for Media Education detailed a couple years ago, the few educational programs that make it on the air have been too often "ghettoized," you might say, in the early morning hours when few children are watching. Much of the programming that does see the light of day is largely used as a marketing vehicle for the greatest, latest toys. And a number of those action-oriented shows are tinged with what a recent study by the UCLA Center for Communication Policy called sinister combat violence, which as many parents can attest, study after study has shown,

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often translates into imitative aggressive behavior.

So let us be painfully candid about what seems to be happening here. Rather than serving the public interests, the industry has too often been serving our kids garbage. And it has an effect on them in our society. We have given the broadcast networks, their affiliates and independent local stations, use of the public airwaves, and they have not used those airwaves well.

Too often our children have been subjected to a diet featuring ever larger helpings of morally questionable programs meant for adults that are appearing at hours when children and families are watching, and children's shows, as my friend, Congressman ED MARKEY of Massachusetts, a leader in this effort, recently said, offer the kids' minds the nutritional value of a twinkie. Congressman MARKEY is right.

In pursuing this path, the broadcasters, I think, are not only ignoring their legal obligations but, in a broader sense, their moral obligations to the larger community to which they belong. Knowing how powerful a median television is and knowing that the average young viewer watches 27 hours a week of television, the people who are running the American television industry, which, in a sense, is our Nation's electronic village, must recognize that they have a greater responsibility to wield their power carefully and constructively.

This all really comes down, Mr. President, to a question of values. What are we saying to our kids and about our kids when we allow them to be subjected to the kind of lowest common denominator trash that they, too often, are forced or choose to watch on television? How can we expect our kids to appreciate the importance of education which parents are trying to convey to them and to recognize the necessity for self-discipline, indeed, sometimes for sacrifice, in order to learn and to improve one's place in life when so much of what is on television treats knowledge as either irrelevant or worthy of disrespect?

I stress the word "we" here, because our society, as a whole, I think, shares the blame for the status quo. We have ignored the warnings of people like Newt Minow, Peggy Charren, and dozens of other advocates for kids who have warned us about the impact of what is coming across television has on our children and our society.

I have spoken about this subject before, Mr. President. No one is prepared to say violence on television and in the movies and music and video games is the cause of the ever greater violence in our society. No one is prepared to say that the way in which sexual behavior is treated so casually, without consequence, without warning, without awareness of a sense of responsibility, is the sole cause of some of the moral breakdown in our society, the moral breakdown of families, the outrageous epidemic of babies being born to women unmarried, particularly teenage women. But I cannot help but believe while the treatment of sex and violence on television is not the cause of those two fundamental problems our society is threatened with, it has been a contributor, and, in that sense, we all share some responsibility for making it better, including those at the Federal Communications Commission who have not done as much as they could have up until now and now have the opportunity, thanks to the proposal that Reed Hundt has made to begin a new era.

This proposal would make significant changes in the rules implementing the Children's Television Act, which, taken as a whole, would guarantee that the broadcasters know exactly what is expected of them in terms of meeting their obligations to serve the needs of our kids. The demands are modest; some have even said too modest. They should not put an undue burden on the television industry. Indeed, the FCC proposal proves that this is not an either/or equation, that we can be both sensitive to the educational needs of our children and the economic needs of the broadcast industry.

In drafting these proposals, Chairman Hundt has been guided by the precept that we should do whatever we can to enable the market to work more efficiently. For instance, the proposal would require that each identify what programs are deemed educational and to alert parents about the air time, time in which those shows would be on the air.

Such a requirement should help stimulate demand for more and better children's programming, without putting a hardship on the industry. The new rules would also ask stations to enhance parental access to their children's television reports. This requirement would make it easier for parents rather than the Government to enforce compliance with the law.

In the end, though, I must say that I share Reed Hundt's judgment that regardless of the changes, the market will probably continue to underserve children unless the FCC steps in and explicitly requires a commitment from the broadcast industry to provide some minimal amount of programming every week for our kids.

The competitive pressures seem to be so great in the industry that one broadcast outlet will not unilaterally arm itself with educational programming and risk giving ground to a rival.

So I think the best solution will be to guarantee a level playing field and assure that no broadcaster is put at a disadvantage by offering quality children's programming. This proposal, for a minimum of 3 hours a week educational programming for kids, I think will create that level playing field.

The solution the Commission is considering is more than fair. As Peggy Charren has pointed out, the broadcasters claim they are already airing an average of more than 3 hours a week of educational programming. Assuming that is true, they should have no problem whatsoever in meeting the 3-hour obligation that Chairman Hundt is proposing.

On the other side, if implemented, this proposal will present families, especially those without access to cable, with a real positive alternative to the growing level of offensive and vacuous programming on the air today. In other words, it will give families an oasis in what too often has been the intellectual and moral desert of contemporary television.

That relief is something that parents want. I referred earlier to informal conversations I have had with parents in Connecticut, but to make it somewhat more scientific, in a recent poll, 82 percent of those surveyed said that there is not enough educational programming on television today, and nearly 60 percent supported a minimum requirement of broadcasters to show at least 1 hour a day of enriching programming, in effect, going well beyond the standard that Chairman Hundt is proposing at the FCC.

Like those parents who answered that poll, it is my hope that these new rules will inspire more kids to become, if you will, power thinkers, power builders, power growers instead of Power Rangers.

I was reminded of television's potential as an educational tool in a study released this spring by John Wright of Aletha Huston of the University of Kansas. After working with 250 low-income preschoolers, the researchers found that children who regularly viewed educational programming not only were better prepared for school but actually performed better on verbal and math tests, and that is what this is all about.

The FCC will be making a decision on this proposal probably next month, and the outcome, unfortunately, is uncertain. I hope that my colleagues and members of the public, parents, advocates for children, will let the Federal Communications Commission know where they stand; that we remain in Congress committed to the Children's Television Act and the principle of serving the public interest; that our children deserve something better from television than a choice between "Dumb and Dumber."

Mr. President, that concludes my remarks. It strikes me, looking at the Presiding Officer, that I should make clear his years in television only contributed to the well-being and intellectual awareness of those who watched his shows.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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UNANIMOUS-CONSENT AGREEMENT—H.R. 927

Mr. GRASSLEY. Mr. President, I ask unanimous consent that notwithstanding rule XXII of the standing rules of the Senate, Senators have until close of business today to file first-degree amendments to the substitute amendment to H.R. 927, the Cuba Libertad bill, in conjunction with the cloture vote to take place on Tuesday of next week.

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

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for such time as I may consume.

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

THE AMERICAN PUBLIC'S DISSATISFACTION WITH CONGRESS

Mr. ASHCROFT. Mr. President, the American public's dissatisfaction with the Congress is again on the rise. The American public's faith in its elected leaders is waning, and I think there are reasons for this disturbing trend.

I think it is because when the people look at Washington, DC, they are beginning again to see what they have seen in years past. They see business as usual. They see politicians putting self-interest first and politics first. They see politicians perhaps then moving to parochial interests or just the interests of a small part of the country. The national interest, it seems, follows somewhere after the special interests. But it takes a long time, as people watch this body deliberate, for them to see us finally get to the national interest. It sees a body in deliberation that finds it very difficult to confront the issues that the people have actually sent us here to confront.

In short, I think the American people see an imperial Congress, a Congress that is perceived to be arrogant and indifferent and out of touch, and seen so because the agenda of the people is accorded a standing which is simply disproportionately low compared to the standing of the political interests, the special interests, the provincial or parochial interests.

I think it is important that we begin again to restate and redemonstrate our commitment to the agenda of the American people. As the people grow in their dissatisfaction, they manifest their disapproval in a number of ways which are clear and apparent.

Approval ratings of Congress are at an all-time low again. We have managed to snatch from the jaws of victory a defeat here. The American people were beginning to think that they could count on us for reform. As a matter of fact, there are a number of substantial reforms which we have undertaken. We have made a commitment to balance the budget in 7 years, and that is important. And we are on track for doing it. That is significantly different than the President of the United States who said he wants to balance the budget in 10 years. But if you look through the smoke and mirrors of those 10 years, you find that they are predicated upon administration figures, and they do not have the integrity or validity of the Congressional Budget Office bipartisan figures that the Congress is using.

It is a shame when we are making that kind of progress, when we are doing welfare reform that is substantial and will make a real difference, when we are addressing major issues, that we again are falling in the approval of the American people. But I think it is because they see some of the endemic, old-time politics as usual rising again to the surface. You see our two-party system being questioned and people talking about a third party and people discussing the potential of independent candidacies with an alarming frequency and with a tremendous—well, it is an alarming array of support. There is a new desire for a third party and a reincarnation again of Ross Perot.

I think we need to demonstrate that, as American people, we are a different kind of Congress, that this Congress which was elected in 1994 is a Congress where our rhetoric is matched by our resolve. It is a Congress where our agenda meets the agenda and the challenges of the American people. It is a Congress where our greatest concern is not losing a vote but losing the faith of the American people.

I think in order to reacquire the confidence of the people we have to be willing again to tackle the toughest issues—issues like the balanced budget and term limits which represent fundamental systemic reform. We now have the opportunity to keep the faith on term limits. We are in the process of making good on our commitment for a balanced budget. But we have an opportunity to keep the faith on term limits. To do so will require courage—not the courage of shying away from fights and delaying votes, but the courage of meeting our challenges and keeping the faith with the American people. We came here to change Washington. We need to ensure that Washington does not change us.

There are lessons to be learned, lessons about how to get things done, about how to be most effective, about how not to spin our wheels, how to take advantage of the rules so we are not dislocated in our efforts for achievement by those who are much more familiar with the process than we are.

But there are things that we do not want to learn here in Washington. We do not want to learn about sacrificing our principles or setting aside the agenda of the American people.

We do not want to learn how to avoid or skirt dealing with the issues for which we were sent here. We do not want to learn to act just for political expedience. Those would be substantial lessons, but they would be lessons which would drive us away from the American people and drive the wedge of insecurity and a lack of confidence between the people and their representatives.

We must always be sure that we are ready to fight for principles, always stand up for what we know is right even if it means losing a vote.

As you well know, Mr. President, I am speaking about our commitment to address the issue of term limits. Why are term limits important? Because they help restore one of the first principles of the American people and the American Republic, and that is representative democracy. Term limits help ensure that there are competitive elections. When incumbents are running for public office, even in years where there is as much revolutionary change as there was in 1994, incumbents win 91 percent of the time. Yes, even in the revolution of 1994, incumbents won 91 percent of elections where they were seeking reelection.

How? Well, they use their biggest perk. That is incumbency. If you look at the data about who raises the most funds and who can just simply blow away the competition, it is the fact that incumbents have the ability to amass these war chests. They obviously have the most easy access to the media. They speak from an official position. And incumbency becomes a perk which is so big that it tilts the playing field. It is unfair to expect that there would be a massive infusion of the will of the people against incumbency, at least few are asking for it in the election, because the incumbents are so inordinately favored with the tools of politics—access to the podium and the resources that are necessary to buy advertising.

We need term limits to help ensure accountability. Individuals who know that they will be returning to their districts or to their home States to live under the very laws that they enact, I believe, will have a different kind of incentive to deal with the public interest rather than the special interests or rather than the provincial interests or rather than the political interests, to deal with the interests of this Nation. The national interests of America would be elevated if we were to embrace the concept of term limits.

Term limits would also help to ensure the right kind of voice of the people in Government by making it possible for new people and new ideas to come here. We need to open the doors of Government to the citizens of this country, and I think having reasonable

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