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I was certainly not the first in this Chamber to take some to task for placing profits ahead of the innocence of our children. Senators SIMON and BRADLEY have fought the good fight on this matter for many years.

One thing that those Senators and I know, however, is that what we do here on the floor of the Senate, matters far less than what occurs out in the real world.

Until Americans hold accountable those who debase our culture, then there is little hope for progress.

But there are definite signs of progress all across the country. And today, I wanted to congratulate radio station KGRM, which is the campus radio station at Grambling State University in Shreveport, LA.

Earlier this week, the station announced that, as a protest against profanity and obscenity, it will not play rap music for 19 days.

The station's assistant director said—and I quote—"If we can give students a format that's free of obscenity as far as words and lyrics, I think they'll be receptive to it."

Mr. President, Robert Kennedy once said "Each time a man stands for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope."

This morning, radio station KRGM is transmitting much more than just words and music. It is also transmitting a ripple of hope. I congratulate them for their courage.

## THE ADARAND DECISION

Mr. DOLE. Mr. President, last Monday's Supreme Court ruling in the Adarand case is good news for those who believe that the Federal Government works best when it works to unite all Americans of all backgrounds.

In her majority opinion, Justice Sandra Day O'Connor correctly rejected the Clinton administration's position by insisting that Government-sponsored racial classifications, no matter how well intentioned, are inherently suspect and must meet the very highest standard of constitutional review—the standard of review known as strict scrutiny.

Whatever our race or ethnic background, the simple truth is that we are all Americans. We all pledge allegiance to the same flag. We all pay taxes to the same Government. We all share the same hope of a better future for our children and grandchildren. And on the battlefield, we all bleed the same blood. As Justice Scalia said in his concurring opinion, and I quote:

In the eyes of government, we are just one race. It is American.

No doubt about it, the evil of discrimination continues to exist in the America of 1995. And, unfortunately, we have not yet achieved the color-blind ideal for which so many have valiantly struggled. But fighting discrimination cannot become an excuse to divide Americans by race, by ethnic background, by gender.

You do not cure discrimination with more discrimination.

So, Mr. President, I welcome the Supreme Court's Adarand decision. It clarifies the standard of review that must be applied to Federal laws and regulations that grant preferences on the basis of race. And perhaps as important, it is a wake-up call to Congress to put the Federal Government's own troubled house in order.

## BOSNIA

Mr. DOLE. Mr. President, the facts are out: The New York Times reported last weekend that the Milosevic regime is actively aiding its Bosnian Serb allies—sending military assistance and fuel, SAM-6's, and even paying the salaries of many Bosnian Serb officers. This comes as little surprise to me, since I have been extremely skeptical of Slobodan Milosevic's reincarnation as peacemaker—an image the Clinton administration has actively promoted in a desperate bid to devise a Bosnia policy.

Indeed, the recent hostage taking by the Bosnian Serbs, followed by their release as a result of Milosevic's efforts, has called into question the theory of a split between Milosevic and Radovan Karadzic.

In my view the issue is not whether or not Milosevic and Karadzic are friends or political rivals, but whether or not their objectives are the same. The real question is, do Milosevic and Karadzic both want a greater Serbia?

It seems to me that the answer is yes—and that this charade of good cop, bad cop, has been useful in furthering that objective.

Apparently administration sources were aware of this support from Belgrade but continued with the approach of easing sanctions on Serbia. Those of us in the Congress who believed this policy was unwise for a number of reasons—including the fact that it removed leverage on the deteriorating situation in Kosova—were told that lifting sanctions would help bring peace to Bosnia because Milosevic would recognize Bosnia.

Mr. President, this report should prompt an immediate review of the administration's approach. Now is not the time to lift or further suspend sanctions on Serbia. The Milosevic regime is clearly supporting Bosnian Serb and Krajina Serb forces—and maybe even orchestrating their actions. In addition, it is continuing to oppress the Albanian majority in Kosova—which is in its 6th year under martial law.

Mr. President, I intend to offer an amendment to the foreign aid bill which would amend current Serbian sanctions legislation—originally sponsored by Senator LEVIN—to include strict criteria for the lifting of United States sanctions on Belgrade. This criteria will include a complete cutoff of military, political, or other material support from Belgrade to the Bosnian Serb and Krajina Serb militants; a restoration of civil rights to all minorities in Serbia; and a restoration of civil and human rights and political autonomy to the 2 million Albanians in Kosova.

It is time to stop this farce. Milosevic is no peacemaker. He is the author of the tragedies in Croatia, in Bosnia, in Kosova. His regime must be held responsible for its actions, not rewarded for its pretensions.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Maryland [Mr. SARBANES] is recognized to speak for up to 15 minutes.

The Senator from Maryland is recognized.

Mr. SARBANES. I thank the Chair.

(The remarks of Mr. SARBANES pertaining to the introduction of S. 934, S. 935, S. 936, S. 937, and S. 938 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## THE TELECOMMUNICATIONS ACT OF 1995

Mr. MCCAIN. Mr. President, yesterday the Senate passed S. 652, the Telecommunications Reform Act of 1995. This is historic legislation that will substantially change the communications industry in this country.

Although the legislation alters the status quo, I was not able to support it due to the fact that the bill fundamentally reregulated, not deregulated the telecommunications industry.

I strongly support passing telecommunications reform. For too long this issue has been dictated by the courts. This is an abrogation of congressional authority, and the Congress is now compelled to play catch-up. It is imperative that the Congress implement a comprehensive, complete policy that will encourage free market competition and breed industry innovation that will ultimately benefit the consumer. Legislation that will accomplish this must contain provisions that deregulate and fosters true competition.

Unfortunately, the bill passed by the Senate, S. 652, does exactly the opposite. Regulation is increased and congressional, and Federal Communications Commission micromanagement is advanced. This bill establishes a regulatory regime that reallocates existing markets, controls and limits future growth, and effects changes to the communications industry through a series of complex, excessive regulation.

The best way to truly help the consumer is to allow industry the maximum flexibility to grow and prosper.

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That can be accomplished through deregulation. History shows us that deregulation of industry benefits the consumer. We should be working to pass legislation that deregulates.

S. 652 contains a prescription for a larger and more intrusive Government in Washington.

The bill mandates over 80 new regulatory proceedings that the Congressional Budget Office estimates will cost over $81 million to implement. Moreover, it is squarely at odds with nearly a quarter century of well-considered, soundly crafted, and broadly successful regulatory reform initiatives which commanded strong bipartisan support and, in the final analysis, yielded substantial consumer dividends for the American public. Back in 1970, the Senate Commerce Committee began work to deregulate a number of key, infrastructure industries. Airline, truck and rail, broadcast, maritime, cable, and freight regulatory reforms were initiated and successfully carried forward. These reforms paralleled changes which were occurring in the world at large, as the notion of pervasive, central economic planning by Government—embodied in the now-bankrupt Communist teaching and doctrine—faltered and competitive free enterprise concepts were adopted and embraced. .

Senator PACKWOOD and I offered a series of amendments to S. 652 to make the bill more deregulatory. One amendment would have eliminated from the bill provisions which give the FCC excessive and unnecessary policymaking power. Another would have struck the community users provisions in the bill. A third amendment would have replaced the bill's universal service scheme with a voucher system that would have truly empowered consumers.

Unfortunately, all of those amendments were defeated.

I do want to thank the Commerce Committee chairman and ranking member for accepting some other amendments. I had sought to change the definition of the universal service contained in the bill. The universal service definition was far too broad and would have potentially cost consumers and companies hundreds of millions of dollars. The committee adopted the definition of universal service that I proposed as part of the manager's package of amendments.

Also included in the manager's package was an amendment I intended to offer to strike the DBS tax provisions in the bill. The legislation contained language that would have authorized the States to order DBS television providers to act as State tax collectors. This was an ill-conceived concept and I am very pleased that it was struck from the bill.

I was also very pleased that the committee accepted my amendment mandating that the FCC report any increases in the fees charged to communications companies as part of their universal service obligation and another amendment to means test the community users section of the bill. Both improved the bill.

Last, although I could not support this legislation, I want to thank Chairman PRESSLER. He did a masterful job of shepherding this bill through the Senate. He deserves specific praise for his efforts.

I also want to thank ranking Member HOLLINGS, Senator ROCKEFELLER, Senator SNOWE, and Senator PACKWOOD.

Their staff also deserve considerable praise for their efforts and hard work. I also want to thank Adam Thier of the Heritage Foundation, Bob Corn-Revere of Hogan & Hartson, and Jeffrey Blumenfeld and Christy Kunin of Blumenfeld & Cohen for their input and advocacy regarding the telecommunications voucher program.

I appreciate their help, and I thank them for their efforts.

## HOUSTON ROCKETS WIN NBA CHAMPIONSHIP

Mrs. HUTCHISON. Mr. President, on Wednesday a team from my home State, the Houston Rockets, won their second consecutive NBA Championship, defeating the Orlando Magic four games to none. The Rockets overcame everything from injuries to midseason trade to, finally, one of the toughest playoff schedules over.

To understand the full significance of Wednesday night's victory, Mr. President, you must understand the history of Houston's two star players, Hakeem Olajuwon and Clyde Drexler. Both attended the University of Houston in the first part of the 1980's. In 1983 and 1984, Olajuwon and Drexler took their University of Houston team to the NCAA National Championship game. Soon after, they both went their separate ways. But this past Valentine's Day, in a trade many sports critics called unnecessary, the Rockets put Drexler back with his old college teammate Olajuwon. Wednesday night, the critics were proven wrong.

The Houston Rockets set an NBA playoff record by winning seven road games in a row. On their way to the NBA title, they won 11 out of their last 13 games. In the Western Conference Finals, they defeated the team with the best record in the regular season, another treasured Texas gem the San Antonio Spurs. As a team that never got the respect that it deserved when it won the title last year, Houston can now celebrate a title that will long be remembered. For most of the team, the second one is so much sweeter; but to Clyde Drexler, after 12 years in the NBA, this is the sweetest.

Mr. President, to repeat as champions with a four-game sweep is unprecedented. Five times the Rockets faced elimination and five times—with poise, determination, and character—they prevailed. The championship was a total team effort and everyone contributed.

Mr. President, I am sure that my colleagues will be glad to join me in congratulating the 1995 NBA World Champion Houston Rockets. For a team that started the playoffs with the sixth seed in the tournament, they are the lowest seed ever to win a World Championship. The Rockets showed their most adamant critics that they were not about to give up. In the words of head coach Rudy Tomjonavich, "Never underestimate the heart of a champion."

Mr. President, I just wanted to make sure that we recognized this great team effort, and the heart of these champions. And I am very proud of the Houston Rockets today, as last year, for their repeat world championship in basketball Wednesday.

I yield the floor, and I thank you, Mr. President.

## THE SURGEON GENERAL

Mr. SIMON. Mr. President, we have been without a Surgeon General now for 6 months. I was very pleased when Senator DOLE mentioned he was going to meet with Dr. Foster. I hope that meeting can take place. I think the vote in our committee clearly illustrated there is a will on the part of this body to confirm Dr. Foster. I notice even those who voted against Dr. Foster had praise for his dedication and sincerity. I hope we can move soon on this Foster nomination. I think we have delayed enough.

If he is going to be voted down, let us vote him down. But I think we will approve him. I think he should be approved. I think those of us who were on the committee who heard him testify were very impressed by what he had to say.

## NOMINATION OF DR. HENRY FOSTER TO BE SURGEON GENERAL

Mr. KENNEDY. Mr. President, I wish to address the Senate on the situation facing the President's nomination submitted to the Senate for the office of Surgeon General.

Mr. President, it is now nearly 4 months since President Clinton sent to the Senate the nomination of Dr. Henry Foster to be Surgeon General of the United States. On May 2 and 3, the Labor Committee held hearings on the nomination and on May 26 the committee voted to approve the nomination and sent it to the full Senate for final action.

Already 3 weeks have passed and nothing further has happened. It is time for a vote.

Dr. Foster has demonstrated his impressive qualifications, his character, and his vision for the future of health care in this country. During the committee hearings, he successfully put to rest the charges attacking his character and his ability. He earned the admiration and respect of the committee and the American public. Even some who opposed the nomination have expressed the belief that the Senate

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"(2) PROCESS FOR RELOCATION.—Any person seeking to relocate a Federal Government station that has been assigned a frequency within a band allocated for mixed Federal and non-Federal use may submit a petition for such relocation to NTIA. The NTIA shall limit the Federal Government station's operating license to secondary status when the following requirements are met—

"(A) the person seeking relocation of the Federal Government station has guaranteed reimbursement through money or in-kind payment of all relocation costs incurred by the Federal entity, including all engineering, equipment, site acquisition and construction, and regulatory fee costs;

"(B) the person seeking relocation completes all activities necessary for implementing the relocation, including construction of replacement facilities (if necessary and appropriate) and identifying and obtaining on the Federal entity's behalf new frequencies for use by the relocated Federal Government station (where such station is not relocating to spectrum reserved exclusively for Federal use); and

"(C) any necessary replacement facilities, equipment modifications, or other changes have been implemented and tested to ensure that the Federal Government station is able to successfully accomplish its purposes.

"(3) RIGHT TO RECLAIM.—If within one year after the relocation the Federal Government station demonstrates to the Commission that the new facilities or spectrum are not comparable to the facilities or spectrum from which the Federal Government station was relocated, the person seeking such relocation must take reasonable steps to remedy any defects or reimburse the Federal entity for the costs of returning the Federal Government station to the spectrum from which such station was relocated.

"(g) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified for reallocation for mixed Federal and non-Federal use in the Spectrum Reallocation Final Report shall, to the maximum extent practicable through the use of the authority granted under subsection (f) and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use. Notwithstanding the timetable contained in the Spectrum Reallocation Final Report, the President shall seek to implement the reallocation of the 1710 to 1755 megahertz frequency band by January 1, 2000. Subsection (c)(4) of this section shall not apply to the extent that a non-Federal user seeks to relocate or relocates a Federal power agency under subsection (f).

"(h) DEFINITIONS.—For purposes of this section—

"(1) FEDERAL ENTITY.—The term 'Federal entity' means any Department, agency, or other element of the Federal government that utilizes radio frequency spectrum in the conduct of its authorized activities, including a Federal power agency.

"(2) SPECTRUM REALLOCATION FINAL REPORT.—The term 'Spectrum Reallocation Final Report' means the report submitted by the Secretary to the President and Congress in compliance with the requirements of subsection (a).".

(d) REALLOCATION OF ADDITIONAL SPECTRUM.—The Secretary of Commerce shall, within 9 months after the date of enactment of this Act, prepare and submit to the President and the Congress a report and timetable recommending the reallocation of the three frequency bands (225–400 megahertz, 3625–3650 megahertz, and 5850–5925 megahertz) that were discussed but not recommended for reallocation in the Spectrum Reallocation Final Report under section 113(a) of the National Telecommunications and Information Administration Organization Act. The Secretary shall consult with the Federal Communications Commission and other Federal agencies in the preparation of the report, and shall provide notice and an opportunity for public comment before submitting the report and timetable required by this section.

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## PRESSLER AMENDMENT NO. 1257

Mr. PRESSLER proposed an amendment to amendment No. 1256 proposed by Mr. STEVENS to the bill S. 652, supra; as follows:

At the end of the matter proposed to be inserted, insert the following:

(e) BROADCAST AUXILIARY SPECTRUM RELOCATION.—

(1) ALLOCATION OF SPECTRUM FOR BROADCAST AUXILIARY USES.—Within one year after the date of enactment of this Act, the Commission shall allocate the 4635–4685 megahertz band transferred to the Commission under section 113(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(b)) for broadcast auxiliary uses.

(2) MANDATORY RELOCATION OF BROADCAST AUXILIARY USES.—Within 7 years after the date of enactment of this Act, all licenses of broadcast auxiliary spectrum in the 2025–2075 megahertz band shall relocate into spectrum allocated by the Commission under paragraph (1). The Commission shall assign and grant licenses for use of the spectrum allocated under paragraph (1)—

(A) in a manner sufficient to permit timely completion of relocation; and

(B) without using a competitive bidding process.

(3) ASSIGNING RECOVERED SPECTRUM.—Within 5 years after the date of enactment of this Act, the Commission shall allocate the spectrum recovered in the 2025–2075 megahertz band under paragraph (2) for use by new licensees for commercial mobile services or other similar services after the relocation of broadcast auxiliary licenses, and shall assign such licenses by competitive bidding.

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## PRESSLER (AND HOLLINGS) AMENDMENT NO. 1258

Mr. PRESSLER (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 652, supra; as follows:

*On page 2, in the item relating to section* 102 in the table of contents, strike "subsidiary" and insert "affiliate".

On page 2, after the item relating to section 106 in the table of contents, insert the following:

SEC. 107. Coordination for telecommunications network-level interoperability .....

On page 2, after the item relating to section 225 in the table of contents, insert the following:

SEC. 226. Nonapplicability of Modification of Final Judgment .....

On page 3, after the item relating to section 311 in the table of contents, insert the *following:*

Sec. 312. Direct Broadcast Satellite ...

On page 9, line 8, after "Act." insert "The Commission may modify any provision of the GTE Consent Decree or the Modification of Final Judgment that it administers.".

On page 9, line 16, strike 'Commission' and insert "Commission".

On page 9, line 19, strike 'Modification of Final Judgment' and insert "Modification of Final Judgment".

On page 11 beginning on line 4, strike "those companies" and insert "any company".

On page 11, line 6, strike "Judgment," and insert "Judgment to the extent such company provides telephone exchange service or exchange access service,".

On page 12, line 3, insert "directly" after "available".

On page 12, beginning with "The term" on line 5, strike through line 8.

On page 12, line 13, insert "only" after "shall".

On page 12, line 15, after "services" insert "for voice, data, image, graphics, or video that it does not own, control, or select, except that the Commission shall continue to determine whether the provision of fixed and mobile satellite service shall be treated as common carriage".

On page 14, between lines 10 and 11, insert the following:

"(tt) 'LATA' means a local access and transport area as defined in United States v. Western Electric Co., 569 F. Supp. 990 (U.S. District Court, District of Columbia) and subsequent judicial orders relating thereto, except that, with respect to commercial mobile services, the term 'LATA' means the geographic areas defined or used by the Commission in issuing licenses for such services.".

On page 16, line 17, strike "software);" and insert "software, to the extent defined in implementing regulations by the Commission);".

On page 17, line 12, strike "carrier;" and insert "carrier at just and reasonable rates;"

On page 19, line 4, strike "of such services," and insert "of providing those services to that carrier,".

On page 19, line 5, strike "services;" and insert "services in accordance with section 214(d)(5);".

On page 21, beginning on line 7, strike "within 15 days after the State receives" and insert "at the same time as it submits".

On page 21, line 17, strike "notify" and insert "provide a copy of the petition and any documentation to".

On page 21, beginning in line 17, strike "of its petition".

On page 23, line 23, insert "feasible" after "technically".

On page 28, line 5, strike the closing quotation marks and the second period.

On page 28, between lines 5 and 6, insert the following:

"(l) REVIEW OF INTERCONNECTION STANDARDS.—Beginning 3 years after the date of enactment of the Telecommunications Act of 1995 and every 3 years thereafter, the Commission shall review the standards and requirements for interconnection established under subsection (b). The Commission shall complete each such review within 180 days and may modify or waive any requirements or standards established under subsection (b) if it determines that the modification or waiver meets the requirements of section 260.".

On page 28, line 20, strike "SUBSIDIARY" and insert "AFFILIATE".

On page 28, line 21, strike "SUBSIDIARY" and insert "AFFILIATE".

On page 29, beginning on line 24, strike "its subsidiaries and affiliates) which provides telephone exchange service" and insert "any affiliate) which is a local exchange carrier that is subject to the requirements of section 251(a)".

On page 29, line 2, strike "a subsidiary" and insert "one or more affiliates".

On page 29, line 3, strike "is" and insert "are".

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