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Citation: 3 Bernard D. Reams Jr. & William H. Manz Federal Law A Legislative History of the Telecommunications of 1996 Pub. L. No. 104-104 110 Stat. 56 1996 the Communications Decency Act H1145 1997

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and I urge my colleagues to support it. I have also signed a resolution asking our Republican leaders to let a clean debt ceiling bill come to the floor.

We must pass a clean debt ceiling bill to send a message to the world that we will keep our word and pay our bills. Do not default on America.

AMERICA'S LUMBER MARKET IS DYING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in very simple language, America's lumber market is getting killed. I think we understand that word. Canadian lumber is everywhere.

Now, check this out: Canadian provinces own the timber, so they sell the timber to the Canadian mills below market cost. Then the Canadian mills sell the timber in America below market value. As a result, Canada now owns 40 percent of America's lumber market.

America has lost 35,000 jobs and experts say, listen to this, America will continue to lose jobs in this industry. No kidding, Sherlock.

With a policy like this, how can American timber mills end up competing with Canadian timber that is subsidized and being sold in America, dumped in America? Beam me up. This is another fine NAFTA ploy.

BETRAYAL IN GEORGIA

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I rise today to call attention to a betrayal of Benedict Arnold proportions.

The Atlanta Journal and Constitution reported today that the Democratic leadership in the State of Georgia—that is, the vanguard of the Dixiecrats—is actively recruiting people of the right skin color to challenge our colleague and two-term Democratic Member of Congress, SANFORD BISHOP.

I want to say that again. The leadership of our party in the State of Georgia is recruiting white primary opponents to unseat a sitting Member of Congress of the same party. And why? Only because SANFORD BISHOP is black.

Georgia Democratic House Speaker Tom Murphy is reported to have said that he would support the candidacy of Ray Goff who happens to be white. In fact, Murphy is willing to support Goff against Bishop even though Goff has not declared whether he is a Democrat or Republican.

How's that for party loyalty, Mr. Speaker? Once again Tom Murphy and his fellow dinosaurs have demonstrated that black Democrats are no more than spare parts for their whites-only party machine.

LET LAW ENFORCEMENT OFFICIALS DO THEIR JOB

(Mr. LAZIO of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO of New York. Mr. Speaker, last week in New York, a Federal judge threw out key evidence that would prove a defendant guilty of Federal drug charges. The defendant had over 4 million dollars' worth of cocaine and heroine in her car, and voluntarily confessed on videotape that she had made the trip over 20 times to pick up drugs. The arresting officers witnessed four men putting duffle bags into the trunk of her car at 5 a.m. in the morning. They did not speak to her, and then fled the scene when spotted. Unbelievably however, the judge decided that the police had no cause to be suspicious. Even the New York Times called the judge's reasoning, tortured.

It is absolutely incredible that this case was dismissed, and the defendant will go unpunished due to a technicality, which would be corrected if the Exclusionary Rule Reform Act was in effect. Last February the House passed this bill, which extends the exclusionary rule's good faith exception to warrantless searches. If the police have a reasonable good faith belief that a drug crime is occurring, as in this case, common sense should dictate that they be allowed to act accordingly.

As a former Suffolk County assistant district attorney, I have seen firsthand the effects of drugs on our communities. It is about time we let our law enforcement officials do their job without tying their hands. We need this bill to become law so we can avoid such outrageous situations in the future.

MAJORITY PURSUING CONTRADICTORY STRATEGY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the majority is pursuing a contradictory strategy. Everything they have hinged on eliminating the deficit, but an increase in the deficit would be the first result of default. The official position of the United States of America today is under threat of default. Moody's has certainly recorded it that way, because it has returned the threat itself.

The shutdown strategy will not work this time. The only way to hang something on the debt limit bill is to get an agreement in advance from the President, yet I see no meetings occurring.

Moody's action shows that the delay alone can be costly, and worse, dangerous. If we mean to balance the budget, if your purpose is to eliminate the deficit, let us start by taking away the threat of default.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2745

Mr. KLINK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2745.

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

There was no objection.

CONFERENCE REPORT ON S. 652, TELECOMMUNICATIONS ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 353 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 353

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 652) 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINDER asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

Mr. LINDER. Mr. Speaker, House Resolution 353 provides for the consideration of the conference report for S. 652, the Telecommunications Act of 1996, and waives all points of order against the conference report and against its consideration. The House rules allow for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Commerce and Judiciary Committees.

In addition, the regular rules of the House provide for a motion to recommit with or without instructions as is the right of the minority.

Mr. Speaker, what we have before us is a complex piece of legislation that is the product of many long months of negotiation. I believe that the conferees have worked in good faith to create a balanced bill which equalizes the diverse competitive forces in the telecommunications industry.

This entire process has involved countless competing interests which include consumers long distance companies, regional Bell operating companies, cable, newspapers, broadcasters,

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and high-technology firms, to name only a few. We are opening up competition to those who have been protected for a very long time, and all of the players are anxious to gain an edge on their new competitors. I am absolutely confident that the legislation before us today will produce competition that will be good for all Americans.

I want to commend the tireless work of Chairmen TOM BLILEY, JACK FIELDS, and HENRY HYDE, and ranking members JOHN DINGELL, ED MARKEY, and JOHN CONYERS. Their handling of this long and difficult conference will ensure that the United States maintains the lead on the information superhighway as we move into the 21st century.

We have before us a bill that has undergone a great deal of revision and assembly in order to reach this point. In the past, telecommunications reform has fallen victim to one problem or another, from legislative resistance to the opposition of various powerful interests. Today, we have a good bipartisan bill, which has endured a rigorous process. It is a tribute to this process that this bill has broad support from consumers, industry, the U.S. Congress, and the White House.

The goal of our telecommunications reform legislation is to encourage competition that will produce innovative technologies for every American household and provide benefits to the American consumer in the form of lower prices and enhanced services. This legislation will achieve this goal.

Existing companies and companies that currently exist only in the minds of innovative dreamers will take advantage of this new competitive landscape and bring new products and a new way of life that will amaze every American.

Bill Gates, chairman of Microsoft Corporation, envisions an information revolution that will take place in the world communications marketplace. While he has expressed his frustration that the sweeping advancement in technology would not come for about a decade, we have the opportunity today to speed the advance of this technological and information revolution. We have the ability to set the pace by passing momentous legislation that will bring immeasurable technological advancements to every American family.

The massive barriers to competition and the restrictions that were necessary not long ago to protect segments of the U.S. economy have served their purpose. We have achieved great advances and lead the world in telecommunications services. However, productive societies strengthen and nourish the spirit of innovation and competition, and I believe that S. 652 will provide Americans with more choices in new products and result in tremendous benefits to all consumers.

This legislation will be remembered as the most deregulatory telecommunications legislation in history. The philosophy of this Congress—and our Nation in general—is to encourage competition in order to provide more efficient service and superior products to the American consumer. This bill will strip away antiquated laws, create more choices, and lower prices for consumers and enable companies to compete in the new telecommunications marketplace.

This resolution was favorably reported out of the Rules Committee yesterday, and I urge my colleagues to support the rule so that we may complete consideration on this historic legislation. I strongly support the Telecommunications Act of 1996 which will assure America's role as the high-technology leader and innovator for the next century, and I am absolutely certain that this will be the best job-creating legislation that I will see in my years in this House.

□ 1315

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are some legitimate concerns about this rule for the consideration of the conference report for this landmark deregulatory telecommunications legislation, made all the more relevant, I think, by the fact that on what apparently will be the last day in which we shall be in session for almost 4 weeks, the principal responsibility for all of us should not be the hurried passage of this particular piece of legislation, which has been in conference now for several months, but rather passage of a clean debt ceiling resolution that would assure our citizens and the world that the U.S. Government will not default on its financial obligations.

Beyond that, there is no compelling reason or legitimate need, so far as this legislation is concerned, to waive the standing rule of the House that gives Members 3 days to examine a conference report before being required to vote on it. That is an important rule. It exists for the protection of Members of Congress and for the protection of the people we represent, to afford us all an opportunity to study and to review and to understand the legislation on which we are going to be asked to vote.

The importance of that rule, Mr. Speaker, is particularly relevant in a situation such as this when we are, as the gentleman from Georgia has pointed out, debating landmark legislation which completely rewrites our existing communications law that regulates industries worth nearly $1 trillion. Because this rule waives a reasonable and important time requirement, Members could be approving provisions that are not fully understood and that could have repercussions that no one has had the opportunity or the time to think carefully about, or think so carefully about as necessary.

We are concerned, too, about statements that indicate that there are plans to complete this conference report and have it signed into law, and then later on consider legislation later this year that will undo some of the agreements we are rushing through today.

In sum, it would have been much preferable if Members had been given the 3 days required by the rules of the House before being asked to vote on a conference report as complicated as this one, with its enormous economic, political and cultural consequences for the public and for businesses and for the Nation in general.

Several very major decisions have been made by the conferees, including those dealing with the relaxation of restrictions on ownership of radio and TV stations, with restrictions on Internet communications, and with the unfunded mandates issue that city governments in particular have expressed some concerns about.

In addition, the legislation basically unravels the protections that cable consumers currently enjoy. It terminates regulation of rates for non-basic cable services for all cable systems no later than 1999, and immediately for most small cable systems. That obviously is a very significant issue, dealing as it does with an industry that affects the great majority of the Americans whom we are elected to represent.

Mr. Speaker, perhaps the most worrisome part of the legislation is its treatment of media ownership and its promotion of mergers and concentration of power. The bill would change current law to permit a single company to own television stations reaching 35 percent of the nationwide audience, an increase from the current level of 25 percent.

Nationwide ownership limits in radio would be eliminated altogether, while a single company could own numerous radio stations in a single market. Newspapers could own radio and, in some cases, television stations in their own communities; local telephone companies could own television and radio stations in their own service areas.

These proposals pose a serious threat to the principles of broadcast diversity and localism. They threaten the ability of a community to have more than one source of news and entertainment.

The conference agreement does contain some provisions that enjoy widespread support, including one that gives parents the ability to block television shows that young children, they believe, should not be watching. That is an important issue. Conferees, most of us think, should be strongly commended for their support of this language.

We all recognize, Mr. Speaker, the need to make changes in our 60-year-old communications law, but we are still concerned, as I said at the outset, about the process under which the bill is being considered.

Obviously the needs and the rights of the American public should be the primary concern of this legislation. Many

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of us had hoped that the final version would better balance the introduction of competitive markets with measures designed to protect the public. I do hope that we do not discover later that we have lost sight of the public in this process and of the need to protect the public from potential monopoly abuses.

Mr. Speaker, in sum, this is a very complex and far-reaching piece of legislation. I am sorry only that we are being forced to consider it in a rather hurried fashion today.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the time and congratulate him on his fine work on this effort.

This is obviously a great day. It has been decades in the making. As we all know, it has been over six decades since we have been able to deal as comprehensively with this issue. But I would like to make just a few points as we move ahead.

First and foremost, the success of this conference demonstrates that in a bipartisan way there is an understanding that competition works. It clearly creates a great opportunity to create jobs, creates an opportunity to benefit the consumer, which is what we want to do. We want to provide the widest range of choices, and that is exactly what is going to happen here.

We have learned from the fall of the former Soviet Union that regulated monopolies do not work, whether it is in business, whether it is even in public education. We have found that they do not work, and I think that the realization that we are going to finally bring telecommunications law up to the market is, I think, something that is very, very important.

The second point that I would like to make is that the success of this conference is due in large part to the reforms that were put into place at the beginning of the 104th Congress. We know that, as we have looked at the many people who have been involved in this, that if we had been living with the older system that we had, which is, I know, inside baseball here to talk about this, but the referral process for legislation was one which played a role, I believe, in jeopardizing success in the past. The change that we made at the beginning of this Congress, I believe, went a long way toward dealing with that.

The other thing that was very important was that we overhauled committee jurisdictions at the beginning of this Congress, and we have had some marvelous success in that overhaul, which I believe has gone a long way toward benefiting the legislative process.

Mr. Speaker, let me just say in closing, the State of California is pivotal to the success of this, too. California is providing the hardware and the software that is going to allow us to move into the 21st century, and this legislation will be key. We in California have what is known as the Silicon Valley where the hardware is going to be emanating from and Hollywood where the software will be emanating from, so our State is on the cutting edge, and it will go a long way toward creating jobs and opportunity.

I urge support of this very balanced rule, and I urge support of the conference report.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank my good friend for yielding me the time, because I would like the attention of my good friend from California.

He speaks with great enthusiasm on the subject of reforms. I would remind the gentleman that last year or, rather, the year before last under the old rules, this body got from our Committee on Energy and Commerce, in agreement with the Committee on Judiciary, a bill which did substantially the same thing that this bill does right here. I would remind him that the matter was handled expeditiously and splendidly; that the delay occurred not here but in the Senate.

If the gentleman wishes, I will be delighted to inform him as to why the delay occurred and why that bill never passed the Senate. But I do not think the gentleman has any reason to discuss the failure of the old rules or the success of the new rules on the basis of this.

We gave this House a bill which does substantially the same thing. It was almost identical in language, in intent, and in substance to that which we have before us at this particular time, and I hope my good friend, for whom I have enormous respect and affection, will now be absolved of his very unfortunate error on this.

Since I have mentioned him I will be delighted to yield to him.

Mr. DREIER. I thank my friend for yielding. I would simply say that it is true that we were able to move legislation. But I believe very sincerely that the reforms that we put into place as it came to jurisdiction and also the referral process has helped us move more expeditiously with this legislation in the 104th Congress. And I believe, also looking at the issue of unfunded mandates and reform of unfunded mandates, that was another very important reform which allowed us to deal with this.

Mr. DINGELL. Reclaiming my time, again with great affection for the gentleman, it would serve him and this body well if he were to seek more suitable subjects for making a claim that reform has accomplished anything of merit.

I would conclude by making the observation that this is a good bill. I want to commend the distinguished chairman of the committee, the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY], and the members of the committee.

Last year, I would remind my dear friend from California, we got 423 votes. I hope we will do as well today. Four hundred twenty-three is a large number of votes.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, the rule we have before us this afternoon and soon the bill itself that will follow has to do with changing law, and changing law that has affected the communications industry since the 1930's, but it is not just about changing law. It is also, I think, in many ways about fundamentally changing a mind-set, because for nearly 60 years in this country we have run communications based on a philosophy which said the bureaucracy, that the Government set prices, that the Government restricted access and restricted competition, and fundamentally it was the Government picking winners and defining losers.

This bill and this rule that precedes the bill will usher in a new era of competition where the market instead will pick winners and losers, and ultimately the major winner in all of this will be consumers. It is the way that consumers won when we deregulated the airline industry in 1978, and it is the way that consumers won when we deregulated the trucking industry back in 1980. Those changes have resulted in savings of hundreds of billions of dollars to the economy.

□ 1330

Obviously it helped the economy grow; this bill, at its roots, is in many ways a jobs bill as well, because it is a jobs bill based fundamentally on innovation and on new products.

This bill is also about choice. It used to be we only had one long-distance phone company in this country. Today there are thousands of them. Soon consumers will also have choices about local telephone service, about cellular, and if you hate your local cable company, you will have other cable companies to pick from, and you will have more options in broadcasting, more options in satellites.

All of those choices will be based on price, on service, and on performance and not ultimately on Government regulation.

I would like to congratulate the chairman of the committee, the gentleman from Virginia [Mr. BLILEY], for his terrific work, and the gentleman from Texas [Mr. FIELDS] for his terrific work as well, and also congratulate my fellow conferees. It is time to end 60 years of Government control, Mr. Speaker. It is time to vote for this rule and trust consumers and the markets to make decisions and no longer trust Government regulators.

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Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me this time.

I must say if this bill is being brought to the floor under sunshine and happiness, I am not happy. I think this rule should be defeated. I think it is outrageous this rule is waiving the 3 days so that we can look at it.

I was on the conference committee, and at 7:40 a.m. this morning was the first time I got the full bill. Let me show you what was attached to it. These are the proposed technical corrections. This is page 1, this is page 2, this is page 3, this is page 4, this is page 5, and this is page 6. We have six little pages of technical corrections.

Now maybe the rest of you are quicker than I am, but we have been trying desperately to go through all of this and figure out what these six pages of technical corrections are really going to do to this bill, and because we do not have 3 days, we have until probably about an hour and a half from now, that is it, and I think when you are talking about a seventh of the economy, when you are talking about something that is trillions of dollars, and I come from a district that is very impacted by this, because we have regional Bells, we have long-distance companies, we have got cable companies, we have got all of that. We would like to know what this means, and the idea of "trust us, hurry out and vote," I think is wrong.

I mean, I figure I am getting my pay, and I am getting paid to be here, and to be here and study this, and I would hope that we know what is in it before we vote for it.

For all of those who think they know all of this and this is fine and this is terrific, let me tell you about one of the things that we stumbled over as we looked at this page upon page of corrections and stuff. We came across section 1462, which I think very few people know is even in this bill. What it says is absolutely devasting to women. What we are going to do is put on a high-technology gag rule with criminal penalties. Have a nice day.

Yes, let me read what this brings into the law through one of these little things. It says that any drug, medicine, article, or thing designed, adapted, or intended for producing abortion or for any indecent or immoral use or for any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of those giving any kind of information directly or indirectly, no matter what it means, this is going to be deemed a Federal penalty, a Federal crime, if you transmit any of this over the Internet. Now, this is a gag rule that is off the charts.

One of the major things people wanted to use Internets for was telemedicine. Does that mean anything dealing with women's reproductive parts they cannot do this? There will be people standing up and saying, "Oh, SCHROEDER, cool off, that will never be considered constitutional." Well, if we are going to vote for things we think are not constitutional and we are going to do it in this fast a pace, we ought to give at least part of our salary to the judges. We are just going to mess everything up over here and send it over to them. I do not think so.

Let me tell you what lawyers tell me. Lawyers tell me do not be so quick about saying this is not constitutional; there was a pre-1972 case that upheld the constitutionality of this. And, second, we are talking about an international Internet. That is what our companies want to get on. And we have now seen one case with Germany talking about standards and what they want, and this, I think, would only give some international gravitas to limiting what you can say about women's reproductive health in and around the Internet no matter which side of this issue you were on.

I just think, why can we not have a little technical amendment correcting this? I think you are going to hear all sorts of people say we did not intend that, we did not mean it, let us have a colloquy, oh, let us, oh, let us, oh let us. Why can we not fix this? Why are not women in the world important enough if you can have six pages of technical corrections for every other thing you can possibly think of, some megacorporation wants? Why can we not take a deep breath and do this? Does that mean somebody's golf schedule in Florida is going to get upset? I do not know.

I must say I am very saddened we are coming to the floor with this rule saying we have to waive the 3-day proposal where we have time to read this and digest this, because I really do not think anybody here could pass a test. I really do not.

I was on the conference committee. Let me tell my colleagues, those conference committees were absolutely nonsubstantive. We would all gather in a room, best dressed, the TV camera from C-SPAN II would pan us, that would be the end of it.

I really hope people vote "no" on this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Speaker, I say to the gentlewoman from Colorado [Mrs. SCHROEDER], I just cannot resist to use your own words, "Oh, Mrs. SCHROEDER, cool off." Those are your words.

You and I were both in the conference committee together. You and I were both there; we voted on the Internet legislation together; and, in fact, I think we voted the same way.

What we have here in this bill is satisfactory. In fact, it is superior, and it is something that we all voted together, both Democrats and Republicans.

So I am not clear if I understand your argument.

Let me just continue with what I was going to say. This follows up my good friend, the gentleman from Georgia [Mr. LINDER], when he talked about Bill Gates, the founder and CEO of Microsoft. This is what he said, my friends: "We are beginning another great journey; we aren't sure where this one will lead us either, but again I am certain this revolution will touch even more lives. The major changes coming will be in the way people communicate with each other. The benefits arising from this opportunity and this revolution will be greater, greater than brought by the PC revolution. We are on the verge of a bold new era of communications."

I urge my colleagues to vote in favor of this rule so that this body may have the unique chance to ensure this country's ability to realize the great potential of the dynamic communications revolution that Mr. Gates speaks about. Today we have this opportunity, because the Republican majority has brought forth a bill that is important not only for the industry but for this country.

Mr. Gates is right when he says this revolution will touch even more lives in addition to creating new jobs in the communications industry. It will have a dramatic impact on consumers. It will bring about benefits of greater choice, of new and exciting communications services with lower prices and even higher quality. Americans will have greater access to information and education than ever before.

Clearly the consumer will be the winner.

I urge my colleagues to vote for the rule on this legislation that will take the American consumers and customers further than they ever imagined.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, this is an enormous bill in its scope and the effort that went into it and the number of years that were spent putting this together.

Certainly there are parts of this legislation that I do not agree with. But in general, I think what has been put together here is positive.

We live in a new world, and if we are going to make the technological changes that work for families, our laws have to keep pace with the changing times that we are in. We cannot move into a computer age with laws that were written for the radio age.

I believe this bill will help bring us into the 21st century in a way that will not only create jobs but make us more efficient as a country in this ever challenging global economy that we now are in.

Beyond that, this bill gives parents, and I would like to focus attention for one second on this question of giving

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parents more control over the sex and the violence that is coming into our homes today. Most of the kids in our society will see 8,000 murders and over 100,000 acts of violence on television by the time they finish grade school. That is appalling. We need to do more to help those parents who do take responsibility for their kids.

Now, the V-chip, that is something that is part of this package. It was the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Michigan [Mr. DINGELL] and others who have been active on this issue. We have got that in here. The V-chip included in this bill will help parents let in Sesame Street and keep out programs like the Texas Chainsaw Massacre.

Mr. Speaker, it is parents who raise children, not government, not advertisers, not network executives, and parents who should be the ones who choose what kind of shows come into their homes for their kids.

It was a little more than a week ago when the President of the United States stood directly in back of me and spoke to the Nation, and the most memorable words from my standpoint in that speech were parents have the responsibility and the duty to raise their children. This bill will help immeasurably in that direction, so I urge my colleagues to be supportive of the conference report when it comes before us in the next few minutes.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee that produced this bill.

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

Mr. FIELDS of Texas. Mr. Speaker, very seldom, if ever, in a legislative career, can we as legislators, can we as trustees for the American people, feel that we have made a significant contribution for the country's future—made a real difference. Well, today we can.

Mr. Speaker, this is a watershed moment—a day of history—and, not just because this is the first comprehensive reform of telecommunication policy in 62 years—not just because we have been able to accomplish what has eluded previous Congresses—which, in and of itself, is of particular pride to me and my fellow subcommittee members, on both sides of the aisle, because we have all worked many long hours to get to this watershed moment.

No, Mr. Speaker, this is a historic moment because we are decompartmentalizing segments of the telecommunications industry, opening the floodgates of competition through deregulation, and most importantly, giving consumers choice—in their basic telephone service, their basic cable service, and new broadcasting services as we begin the transition to digital and the age of compression—and from these choices, the benefits of competition flow to all of us as consumers—new and better technologies, new applications for existing technologies, and most importantly, to all of us, because of competition, lower consumer price.

For the last 3½ years this telecommunication reform package has been my life—I have lived with it, eaten with it, and not to sound weird, even dreamed of telecommunication reform while I'm asleep—so, believe me when I say that I am glad that we are bringing this important issue to closure. In fact, this closure reminds me of my newest daughter, Emily, born 14 days ago—the labor has been long, we've been through some painful contractions, but at the birth of something so magnificent, you're a proud father—and today, I am one of many proud fathers.

□ 1345

And, just as I cannot predict what Emily will be like as she grows up, few of us really understand what we are unleashing today. In my opinion, today is the dawn of the information age. This day will be remembered as the day that America began a new course—and none of us fully appreciate what we are unleashing. I do know that this is the greatest jobs bill passed during my service in Congress. I really believe that because of the opportunities afforded because of deregulation that there will be more technology developed and deployed between now and the year 2000 than we have seen this century. I believe that this legislation guarantees that American companies will dominate the global landscape in the field of telecommunication.

And, if asked what I am most proud of in this legislation—besides the fact that my subcommittee members on my side of the aisle have worked as a team in developing this legislation—is the approach that we initiated in January 1995, when we as Republicans assumed leadership on this issue and invited the leading CEO's of America's telecommunication companies to come and answer one question. That one question was, What should we do as the new majority in this dynamic age of telechnology to enhance competition and consumer choice? The telephone CEO's said that they didn't mind opening the local loop if they could compete for the long distance business that was denied to them by judicial and legislative decision. The long distance CEO's said that they didn't mind the Bell's competing for the long distance business if the local loop was truly open to competition and if they could compete for the intraLATA toll business which was denied to them. And, the biggest surprise to us was when Brian Roberts of Comcast Cable on behalf of the cable industry said that they wanted to be the competitors of the telephone companies in the residential marketplace. In fact, the next day, I called Brian and Jerry Levin of Time-Warner to have them reassure me that their intent was to be major players and competitors in the residential marketplace. After that discussion, I told my staff that we needed a checklist that would decompartmentalize cable and competition in a verifiable manner and move the deregulated framework even faster than ever imagined. And we came up with the concept of a facilities based competitor who was intended to negotiate the loop for all within a State and it has always been within our anticipation that a cable company would in most instances and in all likelihood be that facilities-based competitor in most States—even though our concept definition is more flexible and encompassing. It is this checklist which will be responsible for much of the new technologies, the major investments that will be flowing, and the tens of thousands that will be created because of this legislation.

And, in talking about opening the loop, I don't want to take away the other deregulatory aspects of our legislation such as the more deregulatory environment for the cable industry as they prepare to go head-to-head with the telephone companies. The streamlining of the license procedures for the broadcasting industry and the loosening of the ownership restrictions.

Mr. Speaker, I could go on and on and on and be excited about what this bill means to Americans, to our consumers.

Let me just end at this particular time in saying once again, I am a proud father, along with many others. There are many who have brought this day to us. It is a watershed moment, a historic moment, and it is a day that all of us can be extremely proud of.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I agree with the previous speaker, we are not sure what we are unleashing here. But I am rising in objection today to at least another measure to restrict women's constitutional rights that has appeared in this bill. I am referring to section 507 of the Communications Act of 1995 that would prohibit the exchange of information regarding abortion over the Internet. I ask you, is the abortion issue going to be attached and is it at all germane to this bill?

This is the 22d vote of the 104th Congress on abortion-related legislation that has whittled away at the constitutional and legal rights of American women. Today we have the opportunity to pass a widely supported bipartisan telecommunications bill. Instead of focusing on the important issues at hand, we are being forced again for the 22d time during Congress to vote on a measure to further reduce women's constitutional rights.

Abortion is a legal procedure. To prohibit discussion of it on the Internet is

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clearly a violation of first amendment rights.

The penalties involved are severe. If an unknowing person were to even bring up the topic on the Internet, the penalty would be 5 years imprisonment; 10 years for a second or subsequent charge, even for the mention of the word.

I want the American people to know that this Congress has systematically whittled away at a woman's right to choose to such a degree it has been virtually destroyed. If it is to be Federal policy that every conception will result in birth, then the Federal Government must also assume responsibility for children. We must assume the responsibility to provide for the emotional, the educational needs, and the financial well-being of every child.

This Congress has expressed no interest in assuming responsibility for children. Instead, measures have been proposed and many have passed that further rescind the current limited Federal obligations to the children of the United States. There have been drastic cuts to the earned income tax credit for working parents with children, to Head Start, to nutrition, and to health programs. These are the very programs that address the needs of the poor and disadvantaged children.

The implication in this Congress is that once a child is born, we really do not care what happens to it. That child may starve, may be abused, or even be beaten to death, and, in the case of the Northeast, may freeze to death because hearing assistance for the poor has now been taken away. The only thing that matters is that the child be born. After that, it is somebody else's problem.

This prohibition to rights of privacy and to the first amendment rights does not belong in this bill.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS], my colleague on the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Georgia for yielding me time.

Mr. Speaker, I rise in support of this rule. I think it is an appropriate rule that finally takes this piece of legislation which has been moving up and down the field now, lo these many years, and finally pushes it over the goal line. I think we have come to that point.

I would like to extend my congratulations to all those involved on the primary committee and all the other committees that looked at it, but particularly the gentleman from Virginia [Mr. BLILEY], the gentleman from Louisiana [Mr. FIELDS], the gentleman from Ohio [Mr. OXLEY], and the gentleman from Michigan [Mr. DINGELL]. This has truly been a remarkable product.

This is a bill that is good for all, long distance, regional, new technology, broadcasters, cable, but consumers as well. Consumers, Americans, the people we work for, are going to benefit from this.

Yes, there are still some problems out there with local government on revenue and zoning issues. We have assurances they are worked out, and, if they are not, then we can deal with them. Areas of duopoly, the question of free press and diversity of opinion, which are essential to our democracy, these are areas that may need further attention, and we have been promised we will get them if necessary. This is a big, important positive step we are taking, and I urge support.

Mr. Speaker, I thank my friend from Georgia for yielding me this time and I urge support of this rule. As has been explained this is a standard rule providing for consideration of a very complex conference report.

Mr. Speaker, this telecommunications bill is a remarkable piece of legislation in its overall effect. I commend everyone who has worked so hard to create a fair, bipartisan bill—wading through some of the most complicated and controversial issues of our day. According to Chairman BLILEY, who worked tirelessly on this project, we have arrived at a compromise that will open the communications industry to real competition and reduce Federal involvement in decisions that are best made by the free market.

As America enters the 21st century, telecommunications will be at the forefront of our continuing economic development. Congress simply cannot keep up with the development and innovation that are propelling us into the information age of the 21st century. For too long we have been constrained by the foundations built by policies written more than 60 years ago, long before cable television and cellular phones became reality.

With a bill this monumental, differences of opinion will inevitably continue to exist—and the chairman himself has underscored that this is not a perfect product. I am pleased, however, that during conference the rights-of-way and zoning issues were adequately resolved. As I understand it, localities will maintain their ability to control the public rights-of-way and to receive fair compensation for its use. Federal interference is unnecessary, as long as localities do not discriminate. I think that is fair.

One remaining concern I have is with restrictions on ownership of television stations. Diversity of opinion—and a truly free press—are hallmarks of American society.

In our rules meeting last night, the chairman said that, although the House provision on dupolies—dual ownership of stations in a single market—was not included, guidelines for the FCC in handling such cases were. He assured me that he would look further into the matter of small television markets like those in my district in southwest Florida, where the rules on dual ownership may have unintended negative consequences.

Mr. Speaker, these are relatively small issues given the entire scope of S. 652 and I am hopeful the bill will be signed into law. I understand from Chairman BLILEY that necessary technical corrections and clarifications will be taken care of in the future and I look forward to addressing these final concerns when we work on the fine-tuning of this historic bill.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I urge defeat of the rule. One, the need to dispense with the normal procedures is another example of rewarding one's own incompetence. The bill should have come out in time. The notion that we are ready to leave cuts no fce, because there is no reason why the bill could not have been out before.

But I also have serious substantive problems with the bill. Indeed, I have always believed that self-denial was an important thing for leaders to show. But I think my Republican friends have gotten confused. Instead of self-denial, they have used this bill for self-repudiation.

First we have the Speaker of the House who talked very loudly about how he was opposed to censorship. He was going to keep our electronic communications free of censorship. Despite that, we now have a bill which is heavily weighted with censorship. We have a bill which will interfere with free expression through the Internet and elsewhere.

But there is another example of self-repudiation that troubles me deeply, and that is the decision by the majority leader of the Senate to abandon his very brief crusade on behalf of the taxpayers. I was very pleased when Senator DOLE spoke out against a giveaway of access to the spectrum on the part of the Government to broadcasters, and I was briefly with the Senator. But I made the mistake of, I do not know, going to lunch. When I came back from lunch, I was alone on the battlefield, at least as far as the Senator is concerned.

This is a Congress that has been making severe cuts in programs that deal with the economic needs of some of the poorest people in this society, and we have been told that we must rely more on free enterprise, less on Government entities and Government regulation, and people must be on their own. But It now turns out they forgot to say, those who said that, that they are for free enterprise for the poor and free enterprise for the workers.

But when it comes to wealthy interests in this society, free enterprise is apparently a very scary thing. Because the broadcasters, among the wealthiest people in society with the largest concentrations of wealth, are to get for free access to the spectrum.

I know there is going to be language and people have written letters which in effect say we are passing a bill that says one thing, but please let us pretend that what we say, we did not really say. I believe that the Senate majority leader was right to criticize the giveaway of access to the spectrum, and I think it is wrong to drop that out.

I should note parenthetically we are apparently about to do the same thing

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with agriculture. Free enterprise for the poor, no subsidies there, no regulation when we are talking about the environment. But when we are talking about growing peanuts or sugar, oh, well, wait a minute, free enterprise was not meant for that.

I hope this rule is defeated and taxpayers interests are vindicated in the protection of the spectrum.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to observe that I am troubled deeply that the gentleman from Massachusetts is deeply troubled, and I shall reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MARKEY], the ranking member of the committee.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me time.

I would like to begin by complementing the gentleman from Louisiana, JACK FIELDS, and the gentleman from Virginia, TOM BLILEY, and all of the Republicans that worked on this bill for so long. They conducted the process in a bipartisan fashion. It is to their credit.

I want to compliment the gentleman from Michigan, JOHN DINGELL and so many of the Democrats on our side who have worked on this bill for so long, 4 years, 4 long years. A similar bill passed near unanimously in 1994. The gentleman from Georgia, NEWT GINGRICH, in fact came to the well and called it the model of bipartisan legislation in 1994. In the Senate that year, unfortunately, it kind of died in the final 3 or 4 weeks. But it was revived in January of last year, and, working together in that spirit of bipartisanship, the bill was brought back out here on the floor again today.

Mr. Speaker, I cannot tell you how much I appreciate the way in which the gentleman from Texas, JACK FIELDS, at the subcommittee level, especially for me, comported himself, and worked to make sure that this bill would be done in away that dealt with the ideas that had to be dealt with.

This bill is critically important, because it unleashes a digital free-for-all. We take down the barriers of local and long distance and cable company, satellite, computer, software entry into any business they want to get in. Once and for all, all regulations are taken down.

The premises are the same as they were in the bill a couple of years ago: More jobs and more choices. Now, there is a kind of paradox, because the larger companies are going to have to lay off people in many instance in order to remain competitive with the thousands of companies who are going to be creating new jobs on this information superhighway, with the net result of many tens and hundreds of thousands of new jobs, far more than have ever existed in this area of the American economy.

□ 1400

For me, that premise of competition has always been the preferred mode that we should use in order to accomplish this revolution in our society.

Mr. Speaker, the bill contains many very important provisions. It contains a V-chip that will allow parents to be able to protect their children against the 500 channels, which is, by the way, only shorthand for infinity, because that is how many channels will be coming into people's homes. They are going to need an effective way of blocking out programs which are offensive to their families.

It also preserves the concepts of localism and diversity which are so critical in our telecommunications marketplace so that we will have many voices in each marketplace.

It also will ensure learning links built into each classroom, K through 12, through preferential rates which is going to be absolutely essential in the post-GATT, post NAFTA world. As we let the low-end jobs go in our society, we have to make sure that every child K through 12 is given the skills that they are going to need in order to compete for these high-skilled jobs that otherwise will go to any other place in the world that is providing their workers with those skills. It also expands very important privacy protections to individuals in their relationships with these very large companies.

People will be able to go to a Radio Shack and be able to purchase their own set-top box. They will be able to purchase their own converter box, their own modem. They will be able to purchase any product which is accessible to this information superhighway. It offers, in other words, real competition in the consumer electronics marketplace as well.

We have come a long way in the last 15 years in this country. Back then we had one big telephone company. We had three television stations in most communities in the country. Today we have faxes. We have digital satellites. We have personal computers. We have cellular phones. We have brought this country into the Information Age. As the gentleman from Texas said, we now unleash this new revolution, for 15 years and beyond, in terms of massive changes that are unimaginable, but will be the product of competition.

The worldwide web was unimaginable 15 years ago, and today it is the coin of the realm in the marketplace. It was Government funded and created, but nonetheless it has been transmogrified into a private sector wonder. So we are all going digital. Life will never be the same. This bill helps to speed up that process ever further.

So in conclusion, again, I cannot compliment the gentleman from Michigan [Mr. DINGELL] enough for his leadership, for his vision on this bill. I cannot thank enough the gentleman from Virginia, as well, for the way in which this process has been guided and especially to my good friend, the gentleman from Texas [Mr. FIELDS]. I want to compliment him for the gentlemanly way that he treated all of us throughout this process. He has been a good friend to all of us and ultimately to the consumer of this country by the competition that is unleashed in this bill. I hope that everyone supports this rule and ultimately supports the bill when it comes to the floor in final passage.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN], a member of the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, several years ago in this House we debated a thing called program access in connection with the cable industry. It was a grand debate. It produced an override of a veto on that cable bill that year. But more importantly, what it produced for America was competition in the cable industry.

It produced for America the direct broadcast television system [DBS] that is now providing cable programming to millions of Americans who did not live within reach of a cable system. It is providing competition in cable prices and cable programming to millions of Americans who were limited before the advent of [DBS] to buying their programming from a single monopoly supplier. We celebrated then a small victory for competition and for consumers.

Has it worked? It has worked marvelously. There is finally real competition in cable programming. Consumers enjoy more choices. There are better products and better prices. We have just begun to see the benefits of that competition today. Today is a grand celebration of that notion of competition. Today, in a bipartisan way, we unleash the spirit of competition in all forms of telecommunications services, from telephones to computers, to services dealing with video programming, and data services to interexchange services that are going to link us as Americans together as one like never before and give us access to the world and the world access to us as never before.

This is a grand celebration of a free market system, of competition, and of Americans in their government trusting Americans in the marketplace to make the right decisions for themselves.

It is a grand strategy to unleash the technologies that geniuses are working on in labs across America and give them a chance to become tomorrow's Microsoft.

Second, it is our opportunity to take these decisions away from a judge who has been making telecommunications policy for America and to return those decisions to the people's House, the Congress of the United States of America.

Finally, this bill predicts between 1.5 million and 3.5 million new jobs for Americans without us having to tax and spend one dime to get this economy going. This bill unleashes new jobs and new job opportunities the likes of which this Congress has rarely had a

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chance to do. Imagine: 1.5 million to 3.5 million new families earning money instead of being dependent upon somebody else. That is what this bill promises for us, a little promise that we ought to keep on this House floor.

Mr. Speaker, I want to commend the gentleman from Michigan [Mr. DINGELL], the former chairman, the gentleman from Virginia [Mr. BLILEY], our chairman, and particularly the gentleman from Texas [Mr. FIELDS] for the extraordinary work he has done. Let us celebrate their hard work, and let us celebrate the spirit of America, a free-market system and competition. Let us vote this good bill out today.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I would like to begin by congratulating the gentleman from California [Mr. BEILENSON] for supporting my discussion last night in the Committee on Rules, when the Congress had finished its work, when we found out that this conference report would be brought forward today in less than 24 hours, violating the most time-honored rule in the procedures of bringing legislation to this House.

The same rule that Speaker GINGRICH has spoken with great passion about; the same rule that the gentleman from New York, Mr. SOLOMON, chairman of the Committee on Rules, has preached to me about across the years, this rule is now being violated for reasons that I cannot fathom.

Let me make it clear that this is the most important 111 pages in a conference report in terms of economic consideration that my colleagues will ever in their careers deal with. The fact of the matter is that there are very few, if any, persons that have read, not to mention understand, what is in the report. That is why we have a 3-day rule layover.

Now, in all fairness, I want to commend the gentleman from Virginia [Mr. BLILEY] because he has cooperated with me throughout this process as a conferee. In all fairness, I want to commend the dean of the House, the gentleman from Michigan [Mr. DINGELL], who has not only afforded me every courtesy but has allowed me to have 20 minutes in the debate that will shortly follow.

But ask this question, as I urge my colleagues to return this rule to the committee: Who knew that that noxious abortion portion was in the conference report? Nobody, until it was found out about last night. Who knows many of the other provisions, I have a whole list of them here, that could not possibly be known about, much less understood in terms of their implications?

The reason that we honor the 3-day rule is simply because there are no amendments possible on a conference report. We can only vote it up or down. We should have a 3-week delay on this measure, since we are going out this afternoon. So 3 days would be a very modest consideration. That is why I am asking that this measure be returned to the Committee on Rules for the observation of the 3-day rule.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT], another member of the Committee on Commerce.

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

Mr. HASTERT. Mr. Speaker, I really want to congratulate the gentleman from Texas [Mr. FIELDS], the gentleman from Virginia [Mr. BLILEY], the gentleman from Ohio [Mr. OXLEY], the former chairman on the other side of the aisle—folks who have been working on this issue for a long, long time and have put together a very, very good piece of legislation.

I might add that the piece of legislation that came out of here in the last Congress, also worked on by a group of folks, but it came out on suspension. It never got out of the Senate, back to the House in a conference. The gentleman from Michigan was talking about this bill, when my Democrat colleagues passed a bill on the suspension calendar with no amendments, 40 minutes of debate, and that was it. So take the difference in what is happening here.

Mr. Speaker, I rise in support of the conference report on the Communications Act of 1995. I have worked on this legislation for several years, and I am proud to come to the floor to support a bill that will unleash $63 billion in economic activity.

Reform of the 1934 Communications Act is long overdue. The road map for our communications future, outlined in the 1934 Act and the courts, still anticipates two-lane back roads rather than the fast paced super-highways we have today. The U.S. District Court began the trip toward competition when it issued the modified final judgment [MFJ] that required the breakup of "Ma Bell" 10 years ago and brought competition to the long-distance industry. Back then, I served as chairman of the Illinois Joint Committee on Public Utility Reform. We were charged with the task of revamping Illinois law to bring more competition. At that time, it was assumed that competition was not a good thing for local telephone service; the local telephone loop was viewed as a natural monopoly. Now, because of advances in technology, we see that it is possible—and preferable—to bring competition to the local loop.

But the MFJ has not brought about the full fledged competition consumers needed in every part of the communications industry. Thus, Congress has risen to the task of planning the roadtrip so that American consumers will have more choices and innovative services, and will pay lower prices for communications products.

The map shows that there are pitstops along the road to competition. Everyone is in favor of "fair" competition as industries begin to contend in each others businesses. Fair competition means local telephone companies will not be able to provide long-distance service in the region where they have held a monopoly until several conditions have been met to break that monopoly.

First, the local Bell operating company [BOC] must open its local loop to competitors and verify it is open by meeting an extensive competitive checklist. Second, there must be a facilities-based competitor, or a competitor with its own equipment, in place. Third, the Federal communications Commissions [FCC] must determine that the BOC's entry into the long-distance market is in the public interest. And fourth, the FCC must give substantial weight to comments from the Department of Justice about possible competitive concerns when BOC's provide long-distance services.

Consumers can be sure BOC's won't get the prize before crossing the finish line.

As a member of the Commerce Committee, I worked on several provisions of this bill, and was the author of section 245(a)(2)(B) of H.R. 1555 which deals with the issue of BOC entry into in-region inter-LATA telecommunications service. This provision has become section 271(c)(1)(B) in the conference report. Section 271(c)(1)(B) provides that a BOC may petition the FCC for this in-region authority if it has, after 10 months from enactment, not received any request for access and interconnection or any request for access and interconnection from a facilities-based competitor that meets the criteria in section 271(c)(1)(A). Section 271(c)(1)(A) calls for an agreement with a carrier to provide this carrier with access and interconnection so that the carrier can provide telephone exchange service to both business and residential subscribers. This carrier must also be facilities based; not be affiliated with BOC; and must be actually providing the telephone exchange service through its own facilities or predominantly its own facilities.

Section 271(c)(1)(B) also provides that a BOC shall not be deemed to have received a request for access and interconnection if a carrier meeting the criteria in section 271(c)(1)(A) has requested such access and interconnection; has reached agreement with the BOC to provide the access and interconnection; and the State has approved the agreement under section 252, but this requesting carrier fails to comply with the State approved agreement by failing to implement, within a reasonable period of time, the implementation schedule that all section 252 agreements must contain. Under these circumstances, no request shall be deemed to have been made.

Mr. Speaker, we have given serious debate and consideration to this bill. Now is the time for Congress to set reasonable guidelines for our communications future. All signs point to competition ahead, so I urge my colleagues to give the Telecommunications Act of 1996 a green light.

Mr. BEILENSON. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas [Ms. JACKSON-LEE].

□ 1415

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

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Let me acknowledge that this is a very important bill. This is a historic occasion. I should add my thanks and appreciation to the gentleman from Michigan [Mr. DINGELL] and the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] and the gentleman from Massachusetts [Mr. MARKEY] and the ranking member, the gentleman from Michigan [Mr. CONYERS], for the efforts that have been exhibited. But I do want to raise some concerns as to this rule.

I remained in my office even up to 10 o'clock and had noted that the rule had not come out, even as late as 10 p.m. last evening. Final changes were brought to our office in the early part of the evening. Conferees were still working, and the Committee on Rules, again, did not report until very late. For a bill this important, this is an unfair process.

The conference committee members have not had an opportunity to adequately review these technical changes and the report language. This bill will revolutionize the telephone, long-distance, cable, and broadcast industries and have a far-reaching economic impact upon our country.

For example, it allows telephone companies to enter into other lines of business. It deregulates cable rates and expands broadcast ownership. It has been one of the most heavily lobbied bills in the recent history of this House.

Many Members of the House and Senate have had major concerns. In fact, we have only had three meetings. Some would argue that there has been inadequate notice. I know there are good intentions. I would simply ask for consideration.

In addition, we have had an additional absurdity with the inclusion of language prohibiting the transfer of legally sound information regarding choice and family planning. That means that legitimate physicians in their offices cannot transfer information.

Mr. Speaker, I have to raise a question over what is the big rush to consider this legislation now. Members can use the 3-week recess to adequately review this bill. I cannot believe anyone can seriously object to a 3-week delay in considering this bill.

Therefore, I would ask Members to oppose this rule at this time so that we can add a measure of fairness to this historic occasion, recognizing the good work that has been done but understanding that it is also important for individual Members to likewise do their work and to ensure that they have had the proper time to review, the proper notice and as well to be able to assure their constituents, as I know they would want to do, that this is in fact both historic but fair and open-ended and responsive to the concerns that have been raised.

I ask again for 3 weeks and ask again for reconsideration of the rule.

Mr. Speaker, I must rise to express my concerns regarding the rule on the telecommunications conference report. This legislation is one of the most comprehensive bills to be considered in the 104th Congress. It is the most extensive revision of our communications laws since the Communications Act of 1934.

I am concerned about the process relating to bring this bill to the floor. The final changes to the conference report were not distributed until last night. Furthermore, the conference report was signed by House conferees last night and filed very late last night. Finally, the Rules Committee considered the rule on the report late last night. This is a terrible and unfair process for such an important bill. The conference committee members have not had an opportunity to adequately review these technical changes and the report language.

This bill will revolutionize the telephone, long-distance, cable, and broadcast industries and have a far-reaching economic impact upon our country. For example, it allows telephone companies to enter into other lines of business, it deregulates cable rates, and expands broadcast ownership. It has been one of the most heavily lobbied bills in the recent history of the House. Most Members of the House have not had the opportunity to study this bill. Additionally, members of the House and Senate conference committee have had major concerns regarding the conference committee process, particularly the inadequate notice of staff meetings, the level of participation by all staff. An additional absurdity is the inclusion of language prohibiting the transfer of legally sound information regarding choice and family planning. That means that legitimate physicians cannot communicate office to office on medical procedures. There were only three meetings of the conference committee.

Mr. Speaker, I have to raise the question over what is the big rush to consider this legislation now. Members can use the 3-week recess to adequately review this bill. I cannot believe anyone can seriously object to a 3-week delay in considering this bill. Therefore, I must oppose this rule on this conference report.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

To paraphrase Mr. Churchill, This is not the end. It is not even the beginning of the end. It is perhaps the end of the beginning, the beginning of an explosion in technology and invasion.

It will not be many years before Americans are going to be startled and people across the world startled about the kinds of goods and services and products coming through their television receivers in their homes.

This, I believe, would be the most important job-creating bill of my career in this House. I was excited to have been privileged to be a part of working on this since early summer as a member of the Committee on Rules and even involved in some of the technology. It was an example, the whole process, of how the two sides can work together and cooperate.

I have already commended the chairmen, the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], and the gentleman from Illinois [Mr. HYDE]. I think the ranking members, the gentleman from Michigan [Mr. DINGELL], the gentleman from Massachusetts [Mr. MARKEY], the gentleman from Michigan [Mr. CONYERS] were very helpful through the whole process. They worked with each other. I was proud to be a part of that process.

I would like to say especially, nobody helped me more in the rule and dealing with the amendments than the gentleman from Michigan [Mr. DINGELL]. I want to say, I am grateful.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 80, not voting 16, as follows:

[Roll No. 24]

YEAS—337

Allard	Clement	Frost
Andrews	Clinger	Funderburk
Archer	Coble	Gallegly
Armey	Coleman	Ganske
Bachus	Collins (GA)	Gekas
Baesler	Combest	Gephardt
Baker (CA)	Condit	Geren
Baker (LA)	Cooley	Gilchrest
Baldacci	Cox	Gillmor
Ballenger	Cramer	Gilman
Barcia	Crane	Gonzalez
Barr	Crapo	Goodlatte
Barrett (NE)	Cremeans	Goodling
Barrett (WI)	Cubin	Gordon
Bartlett	Cunningham	Goss
Barton	Danner	Graham
Bass	Davis	Greenwood
Bateman	de la Garza	Gunderson
Bentsen	Deal	Gutknecht
Bereuter	DeLauro	Hall (TX)
Berman	Dias-Balart	Hamilton
Bevill	Dickey	Hancock
Bilbray	Dicks	Hansen
Bilirakis	Dingell	Hastert
Bishop	Doggett	Hastings (FL)
Bliley	Dooley	Hayes
Blute	Doolittle	Hayworth
Boehlert	Dornan	Hefley
Boehner	Doyle	Hefner
Bonilla	Dreier	Heineman
Bonior	Duncan	Herger
Bono	Dunn	Hilleary
Borski	Edwards	Hobson
Boucher	Ehlers	Hoekstra
Brewster	Ehrlich	Hoke
Browder	Emerson	Holden
Brown (FL)	Engel	Horn
Brownback	English	Hostettler
Bryant (TN)	Ensign	Houghton
Bunn	Eshoo	Hoyer
Bunning	Everett	Hunter
Burr	Ewing	Hutchinson
Burton	Fawell	Hyde
Buyer	Fields (TX)	Inglis
Calvert	Flake	Johnson (CT)
Camp	Flanagan	Johnson, E. B.
Campbell	Foglietta	Johnson, Sam
Canady	Foley	Jones
Cardin	Forbes	Kanjorski
Castle	Ford	Kasich
Chabot	Fowler	Kelly
Chambliss	Fox	Kennedy (MA)
Chenoweth	Franks (CT)	Kennedy (RI)
Christensen	Franks (NJ)	Kennelly
Chrysler	Frelinghuysen	Kildee
Clayton	Frisa	Kim

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King	Myrick	Shuster
Kingston	Neal	Sisisky
Klecska	Nethercutt	Skeen
Klink	Neumann	Skelton
Klug	Ney	Smith (MI)
Knollenberg	Norwood	Smith (NJ)
Kolbe	Nussle	Smith (TX)
LaFalce	Obey	Smith (WA)
LaHood	Ortiz	Solomon
Largent	Orton	Souder
Latham	Oxley	Spence
LaTourette	Packard	Spratt
Laughlin	Pallone	Stearns
Lazio	Parker	Stenholm
Leach	Pastor	Stockman
Levin	Paxon	Studds
Lewis (CA)	Payne (NJ)	Stump
Lewis (KY)	Payne (VA)	Stupak
Lightfoot	Peterson (FL)	Talent
Lincoln	Petri	Tanner
Linder	Pickett	Tate
Lipinski	Pombo	Tauzin
Livingston	Pomeroy	Taylor (MS)
LoBiondo	Porter	Tejeda
Longley	Portman	Thomas
Lucas	Poshard	Thornberry
Luther	Pryce	Thornton
Manton	Quillen	Tiahrt
Manzullo	Quinn	Torkildsen
Markey	Radanovich	Towns
Martini	Rahall	Traficant
Mascara	Ramstad	Upton
Matsui	Rangel	Vucanovich
McCollum	Reed	Waldholtz
McCrery	Regula	Walker
McDade	Richardson	Walsh
McHugh	Riggs	Wamp
McInnis	Roberts	Ward
McIntosh	Roemer	Watts (OK)
McKeon	Rohrabacher	Waxman
McNulty	Ros-Lehtinen	Weldon (FL)
Meehan	Roth	Weldon (PA)
Meek	Roukema	Weller
Menendez	Royce	White
Metcalf	Rush	Whitfield
Mfume	Salmon	Wicker
Mica	Sanford	Williams
Miller (FL)	Sawyer	Wilson
Minge	Saxton	Wise
Moakley	Scarborough	Wolf
Molinari	Schaefer	Wynn
Mollohan	Schiff	Young (AK)
Montgomery	Seastrand	Young (FL)
Moorhead	Sensenbrenner	Zeliff
Moran	Shadegg	Zimmer
Murtha	Shaw	
Myers	Shays	

NAYS—80

Abercrombie	Hilliard	Oliver
Becerra	Hinchey	Owens
Bellenson	Istook	Pelosi
Brown (OH)	Jackson (IL)	Peterson (MN)
Clay	Jackson-Lee (TX)	Rivers
Clyburn	Jacobs	Roybal-Allard
Coburn	Jefferson	Sabo
Collins (IL)	Johnson (SD)	Sanders
Collins (MI)	Johnston	Schroeder
Conyers	Kaptur	Schumer
Costello	Lantos	Scott
Coyne	Lewis (GA)	Serrano
DeFazio	Lofgren	Skaggs
Dellums	Lowey	Slaughter
Deutsch	Maloney	Stark
Dixon	Martinez	Stokes
Durbin	Martini	Thompson
Evans	McCarthy	Thurman
Farr	McDermott	Torres
Fazio	McHale	Velazquez
Fields (LA)	McKinney	Vento
Frank (MA)	Meyers	Visclosky
Furse	Miller (CA)	Volkmer
Green	Mink	Waters
Gutierrez	Morella	Watt (NC)
Hall (OH)	Nadler	Woolsey
Harman	Oberstar	Yates

NOT VOTING—16

Ackerman	Fattah	Rose
Brown (CA)	Filner	Taylor (NC)
Bryant (TX)	Gejdenson	Torricelli
Callahan	Gibbons	Wyden
Chapman	Hastings (WA)	
DeLay	Rogers	

□ 1439

Mrs. MEYERS of Kansas and Messrs. GUTIERREZ, STARK, and SCHUMER changed their vote from "yea" to "nay."

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HOYER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BLILEY. Mr. Speaker, pursuant to House Resolution 353, I call up the conference report on the Senate bill (S. 652) 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, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 353, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, January 31, 1996, at page H 1078.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. DINGELL] will be recognized for 30 minutes.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONYERS. Mr. Speaker, I would like to claim the traditional 20 minutes in opposition under the rule.

The SPEAKER pro tempore. Does the gentleman from Michigan support the conference report?

Mr. CONYERS. No, sir, I do not.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I believe I can save the body a little time. Mr. Speaker, I support the conference report. I believe the gentleman's claim for the 20 minutes is entirely correct. I would urge the Chair to grant the gentleman from Michigan [Mr. CONYERS] 20 minutes, 20 minutes to the gentleman from Virginia [Mr. BLILEY], and 20 minutes to myself.

The SPEAKER pro tempore. Pursuant to clause 2(a) of rule XXVIII, the time will be divided 3 ways.

The gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes, the gentleman from Michigan [Mr. DINGELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

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

Mr. BURR. Mr. Speaker, I rise in support of the telecommunications bill.

Mr. Speaker, I wish to congratulate my colleagues, particularly Chairman BLILEY, the ranking member, Mr. DINGELL, Mr. FIELDS, Mr. MARKEY, as well as Chairman HYDE, on this historic reform of our Nation's telecommunications laws. Passage of this landmark bill will foster job growth, product innovation, consumer savings, and economic development across all sectors of our economy. The legislation's removal of barriers to competition in the telephone, cable, and broadcast industries will open markets and increase competition in the communications industry that will better prepare our Nation to enter the new millennium.

I am pleased that the conferees have included in their final report a provision I sponsored in H.R. 1555 that I believe embodies the deregulatory intent of this legislation—a provision which adjusts one piece of a larger regulatory barrier that has been ignored by regulators since its inception.

Since 1981, Bell operating companies have been prohibited from jointly marketing their local telephone service and cellular services due to an FCC rule requiring the establishment of an RBOC cellular separate subsidiary. This rule was originally intended to apply to the predivestiture AT&T when the Commission determined that AT&T and one other company would be granted the two cellular licenses in each market.

During the breakup of the old Bell system, AT&T transferred its cellular licenses to its newly established offspring, the regional Bell operating companies. Because the Commission was in the process of overseeing the breakup of the world's largest corporation, the FCC understandably had precious little time to worry with establishing new rules for RBOC participation in the then nascent cellular business. Consequently, the Commission determined that RBOC cellular operations would be conducted under the same rules that had been developed for AT&T, and that the Commission would review the matter in 2 years. Given the circumstances, such a decisions seems understandable. What is not understandable, however, is what has happened in the meantime—nothing.

For 14 years the FCC has ignored its commitment to review the necessity of its RBOC cellular separate subsidiary rule. While cellular exploded into a dynamic, competitive industry, the FCC took no action. In fact, when the Commission established the rules for a new wireless service, PCS [Personal Communications Service]—designed to compete with cellular, the FCC determined that RBOC's would not be required to establish separate subsidiaries for their new PCS wireless services. Yet, inexplicably, the Commission said there was not enough information on the record to warrant removal of the RBOC cellular separate subsidiary rule.

It is difficult to imagine how the FCC could acquire enough information to establish a new set of wireless competitors [PCS] to cellular, determine separate subsidiaries would not be required for RBOC PCS services, and still state there was not enough information to justify removal of the cellular separate subsidiary

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rule. Understandably, the companies impacted by this decision found it difficult to understand and so has the U.S. Court of Appeals for the Sixth Circuit.

In a ruling issued November 9th, the Appeals Court found the FCC's PCS rulemaking decision on the cellular separate subsidiary rule to be arbitrary and capricious stating:

Instead, the FCC simply stated that the record in the Personal Communications Service Rulemaking proceedings was insufficient to determine whether to eliminate the structural separation requirement. We believe this to be arbitrary and capricious given the somewhat contradictory findings of the FCC during the course of the Personal Communications Service rulemaking and related proceedings. If Personal Communications Service and Cellular are sufficiently similar to warrant the Cellular eligibility restrictions and are expected to compete for customers on price, quality, and services, what difference between the two services justifies keeping the structural separation rule intact for Bell Cellular providers?

The court remanded to the Commission for further proceedings its decision on this rule. Such action normally would be encouraging for the companies involved. Unfortunately, regulators like regulation. More than 1 month after the sixth circuit's ruling "that the time is now for the FCC to reconsider whether to rescind the structural separation requirement" the Commission has taken no action, notwithstanding the court's belief that "time is of the essence on this issue."

It simply makes no sense to require Bell cellular operations to remain in separate subsidiaries—and prohibited from joint marketing opportunities—when the Commission has determined that no such requirements are necessary for Bell PCS operations. The appeals court acknowledged this fact stating:

BellSouth's strongest argument is perhaps that the factual predicate which justified the structural separation requirement is no longer valid. BellSouth points out that the FCC believes that the safeguards such as mandatory interconnection enforceable by individual complaint process suffice to combat possible discrimination and cross-subsidization in the Personal Communications Service industry. BellSouth claims that this removes any justification retention of the structural separation requirement for Cellular licenses, and that the FCC has arbitrarily failed to remove restrictions . . . We agree with BellSouth that the time is now for the FCC to reconsider whether to rescind the structural separation requirement . . . after fourteen years, further delay in determining whether to rescind the structural separation requirement severely penalizes the Bell Companies at a time when the wireless communications industry is exploding and changing almost daily. The disparate treatment afforded the Bell Companies impacts on their ability to compete in the ever-evolving wireless communications marketplace.

I am glad this legislation takes the first, important step toward restoring parity in this area by allowing Bell operating companies to jointly market their cellular and local services. It is my hope, that after 14 years and a clear rebuke from the court, the FCC will take the next step and review its cellular separate subsidiary rule.

Mr. Speaker, once again I congratulate the committee chairman and the subcommittee chairman on producing this historic legislation.

Mr. BLILEY. Mr. Speaker, it is a great pleasure for me to yield 3 minutes to the distinguished gentleman from Texas [Mr. FIELDS], chairman of the Subcommittee on Telecommunications and Finance of the Committee on Commerce, without whose Herculean efforts we would not be here today.

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

□ 1545

Mr. FIELDS of Texas. Mr. Speaker, I want to thank the chairman for that statement. I had the opportunity during the rule to talk about the substance of this bill and what it means for America and our consumers. I want to take my time just to say thanks.

First and foremost, I want to acknowledge the commitment and leadership of our chairman, the gentleman from Virginia [Mr. BLILEY], who has been a constant source of support and encouragement as we move this legislation forward.

I also want to thank the gentleman from Michigan [Mr. DINGELL] for the way he has led the efforts of the minority. As always, it was with conviction and the style of the true gentleman that Mr. DINGELL is.

I also want to thank my good friend and confidant, my fellow voyager in this effort, the gentleman from Massachusetts [Mr. MARKEY], for the many long hours of debate and consultation, the pizza in his office, the pizza in my office, but always ending any disagreement with a smile. I hope that all of us involved have set the standard of how Congress can work together over very difficult and contentious issues.

I also want to be effusive in praise of my colleague, the gentleman from Ohio [Mr. OXLEY], the vice chairman of our subcommittee; the gentleman from Colorado [Mr. SCHAEFER], the gentleman from Texas [Mr. BARTON], the gentleman from Illinois [Mr. HASTERT], the gentleman from Florida [Mr. STEARNS], the gentleman from New York [Mr. PAXON], the gentleman from Wisconsin [Mr. KLUG], and our two freshmen stars, the gentleman from New York [Mr. FRISA] and the gentleman from Washington [Mr. WHITE], our team.

I would also be remiss if I did not thank and recognize the hard work of Mike Regan, Cathy Reid, Harold Furchtgott-Roth, and Mike O'Reilly, and on the Democratic side of the aisle, Colin Crowell and David Leach, David Moulton of Mr. MARKEY's staff, Alan Roth and Andy Levin, of Mr. DINGELL's staff.

Not only do I want to acknowledge David Leach for his hard work, but I want to publicly apologize to him for all the practical jokes that I have played on him for the last 3½ years.

I also want to give special recognition to Steve Cope, our legislative draftsman. He is an unsung hero who gave us late hours away from his family and lost many weekends during the course of this multiyear process. He has my highest respect and my gratitude.

Certainly last, but not least, I want to give special, special recognition to Christy Strawman, my telecommunications expert, because, like others, she is an unsung hero that has been pivotal in bringing this issue to fruition. She has been a star in this process.

Mr. Speaker, as I said earlier, this is a special, watershed, historic moment. We are at the dawn of the Information Age. What we do today is vitally important to the future of our country. Not only am I proud of the package; I am also proud of the process in which we debated and formed this legislation, working with both sides of the aisle, bringing this policy, this legislation, to fruition.

The inclusion in the telecommunications bill of the requirement that a television rating code be established by the Federal Communications Commission for all television programs and that broadcasters be required to transmit to a V-chip the ratings given to their programs is plainly unconstitutional.

Any legislation that requires the rating of television programs based on their inclusion of violence, depictions of sexual conduct or the like is a content-based burden on speech. That is just what the first amendment does not permit. Inserting the Federal Government into the area of deciding what should be on television or how the content of television programs should be rated sets a dangerous precedent that threatens the very rights the first amendment is designed to protect.

Think about the rating system Congress is today requiring. There is the problem of how any such system can distinguish between programs that show what we might call senseless or gratuitous violence and those that depict violence in a way that educates, informs, or edifies. It is hard to believe that we're prepared to say that any violence whatsoever, in any context whatsoever, should be treated the same way and subjected to blocking by the same V-chip—whether it's "Schindler's List" or "Nightmare on Elm Street," "Gandhi" or "The Terminator."

But as soon as the FCC tries to make a distinction for rating purposes between what is "bad violence" that should be blocked and what is "good violence" that should not be blocked, it is squarely in the business of regulating speech based on its content or perceived value to society and therefore squarely in violation of the first amendment. At the same time, if the Commission throws up its hands and acknowledges that it cannot make such distinctions and thus requires every program containing any element of violence at all to get a V rating, the V-chip will be activated across the board and across the Nation in a way that blocks out valuable contributors to public awareness and knowledge. The effect will be that some—perhaps many—programs that are genuinely good for children or adolescents to see will not be seen by them. What's more, we will be creating a situation in which Government would be leading the public to view all treatments of violence as equal, thus washing away good, serious, thoughtful programs with real merit along with the junk.

V-chip legislation is a blunt instrument, far blunter than the first amendment allows. The

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public would be far better served by Government encouraging the development of technologies that allow parents to make discriminating choices, real choices, for their children based on their own values and their own beliefs.

The likelihood that the V-chip provision will be held unconstitutional is increased by the reality, known to every Member of this body, that the bill is actually being proposed not for the purpose of "empowering" parents but of pressuring broadcasters to change the television programming they offer. We all have our own views about what should be on television. The first amendment bars us from putting those views into law.

Finally, recent court decisions have raised the most serious doubts about the continued viability of the whole notion that broadcasters must receive only second class first amendment treatment. The FCC itself determined in the Syracuse Peace Council case that the explosion of new outlets for speech has seriously undermined the rationale for permitting more intrusive regulation of broadcasters than of other media. That is even more true today than it was 8 years ago when that case was decided. Recent opinions of the chief judges of both the D.C. Circuit and the Eighth Circuit Courts of Appeals have likewise maintained that there is no longer any basis for according broadcasters more limited protection from Government intrusion than the First Amendment gives to cable operators, record companies or the print press. Most first amendment scholars have come to the same conclusion. In any event, whether or not a new, more speech-protective, first amendment standard is utilized in a court challenge to this legislation, the law cannot withstand analysis under any first amendment test.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

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

Mr. DINGELL. Mr. Speaker, today we will vote on a historic bill. This telecommunications bill is historic because it finally will bring to an end the era of telephone and cable television monopolies. The bill is historic because it will trigger technological innovation as we have never seen before—stimulating economic growth and job creation by small and large businesses alike. But just as striking as these developments undoubtedly will be, the bill is historic for another important reason. It demonstrates that Congress can work together in a bipartisan way to produce a bill that serves the interests of all Americans.

I congratulate my friends, Chairmen BLILEY and FIELDS, Representative MARKEY and others, for their unrelenting pursuit of bipartisan agreement on this bill. This is the way Congress is supposed to work, and I think we can all learn from this example. Chairman BLILEY approached this task in a very productive way, soliciting advice and offering compromise at many points along the way. He managed the process extremely well, as evidenced by the widespread support that he has mustered—not only in the conference and in the House—but in every part of an industry that usually can agree on little else. Chairman BLILEY and others working on this conference committee should be congratulated and given our thanks for the remarkable product before us today—a product that was in the making for several Congresses before this one, and that will finally make its way to the President's desk and beyond.

This telecommunications bill certainly will change the way Americans get their information and entertainment. No longer will consumers have just one company to choose from for the provision of local telephone or cable television service. Companies will be able to offer any or all of these services, giving consumers for the first time the ability to buy packages of telecommunications services that provide them with the best value at the lowest price.

This bill also will enable parents to make intelligent choices about what television programming is appropriate for their children. It requires that new television sets be equipped with a computer chip designed to automatically detect the rating that has been assigned to any television show. And it encourages television broadcasters to develop a voluntary rating system that will provide parents with the means to discern whether programming coming into their home is age-appropriate for their children.

Mr. Speaker, I want to say a few special words about the concerns of our local elected officials, and most especially our mayors. This conference agreement strengthens the ability of local governments to collect fees for the use of public rights-of-way. For example, the definition of the term "cable service" has been expanded to include game channels and other interactive services. This will result in additional revenues flowing to the cities in the form of franchise fees. In addition, the legislation also lifts the FCC's current ban on the imposition of franchise fees for telephone companies' open video systems. That too will increase revenues to the cities.

At the same time, State and local governments retain their existing authority to impose fees on telecommunications providers, including cable companies that offer telecommunications services. Finally, and perhaps most important, section 303 does not preclude a local government from lawfully managing public rights-of-way with respect to a cable company's telecommunications services. In short, Mr. Speaker, we have listened closely to our local officials, who have done a good job of helping us understand their concerns, and have crafted a bill that not only retains their current authorities but, in many instances, strengthens them. We appreciate the support for the bill we have received from the National League of Cities and the National Association of Counties.

Is this a perfect bill? No. No bill as large and complex as this one, addressing so many difficult issues, is ever perfect. But it is an excellent piece of legislative work. it will open telecommunications markets in a fair and balanced manner—it provides American businesses with a level playing field on which to compete, and it removes those aspects of government regulation that are antiquated while ensuring that every American continues to receive affordable service.

Mr. Speaker, in closing, I want to pay tribute to the incredible efforts of our staff, who put in countless hours, often working into the wee hours of the morning, to bring this bill to fruition. Our special thanks go to the minority staff of the Commerce Committee, especially David Leach, who has worked on the legislation for several Congresses and guided our successful efforts in the House in the last Congress, and Andy Levin, who joined our staff as a new counsel at the start of the conference and truly received a baptism under fire. I want to thank Colin Crowell and David Meulton from the staff of subcommittee ranking member ED MARKEY for their hard work, as well as the staff of the Judiciary Committee. From the Commerce Committee, Mike Regan and Cathy Reid did outstanding work in coordinating these efforts. And as always, the legislative counsel, Steve Cope, and his colleague on the PUHCA issue, Pope Barrow, did their usual extraordinary job. We appreciate all the staffs' hard work.

Once again, I congratulate my colleagues on this achievement, and I urge all Members to join me in approving this conference agreement.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 3 minutes.

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

Mr. CONYERS. Mr. Speaker, I think it is very, very important that we look as carefully as we can at a trillion-dollar-a-year industry legislation.

First of all, I want to tell everybody in this Chamber, there are a lot of things I like in the bill; I like a lot of things. The Antitrust Division part that the chairman of the Committee on the Judiciary and I worked on tirelessly is in this bill, and I support it strongly. We keep the Antitrust Division at the center of the telecommunications debate, and I am pleased that we all agreed upon that. It is important that the Department of Justice have an enhanced role in reviewing the Bell entry into long-distance, and we have been very successful.

But, Mr. Speaker, let us get to the reservations. Are there any? Well, you have not read the 111-page conference report, so I will give you the benefit of just a few of the problems that you might want to know about before we cast this ballot in less than an hour.

The cable provisions allow for deregulation before the advent of competition, raising the specter of unregulated monopoly. Two Congresses ago

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we spent considerable time and energy, and the gentleman from Michigan [Mr. DINGELL] was leading that, in adopting legislation to protect consumers from price-gouging; and we were finally able to pass the bill over President Bush's veto.

This Congress, we have new leadership that has decided that consumer protection must take a back seat to industry demands, although a small concession to consumers was made by delaying the date of price increases until 1999.

This is not CONYERS, this is the Consumer Federation of America: "Even with the significant improvements, the bill does not stimulate enough competition. For every step taken to encourage competition, the bill has provisions which undermine its goal. Instead of promoting head-to-head competition between cable, telephone, and other communications companies, the bill allows mergers and corporate combinations that will drive up cable rates and undercut competition."

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I would like to pay homage to the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], the gentleman from Michigan and ranking member [Mr. CONYERS], the gentleman from Michigan and ranking member [Mr. DINGELL], Senator PRESSLER, and all of the staffs who have done enormously important work in bringing this to fruition.

This legislation represents the most sweeping communications reform legislation to be considered in this House in over 60 years. It will establish the ground rules for our national telecommunications policy as we enter the 21st century.

Mr. Speaker, I am happy to yield to the gentlewoman from New York [Mrs. LOWEY] for the purpose of engaging in a colloquy.

Mrs. LOWEY. Mr. Speaker, I would like to congratulate the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, and other members of the conference in bringing this very important conference report to the floor today. However, I would like to bring to your attention one section that is very troubling to me.

Section 507 amends the preexisting section of the Criminal Code (18 U.S.C. 1462) and applies it to the Internet. Now, it was my understanding that your intent behind adopting this provision was to place reasonable restrictions on obscenity and indecency on the Internet. I support this goal.

However, a section of this act may be construed to curb discussions about abortion. It seems to me this provision would certainly be unconstitutional.

Mr. HYDE. Well, reclaiming my time, Mr. Speaker, I certainly agree with the gentlewoman that any discussion about abortion, both pro-life and pro-abortion rights, is protected by the first amendment guarantee of free speech; and I certainly agree, nothing in title V should be interpreted to inhibit free speech about the topic of abortion.

Further, it is correct that our principal intent in adopting this provision was to curb the spread of obscenity and indecency, speech that is not protected by the first amendment, from the Internet in order to protect our children.

I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, with that assurance, I feel comfortable supporting this bill, and I hope that my colleagues who were also concerned about this provision will now feel comfortable supporting this bill. I thank the gentleman for clarifying this point and for his hard work on this bill.

Mr. HYDE. Mr. Speaker, I thank the gentlewoman for her courtesy.

As the chairman of the House Judiciary Committee—because of our committee's jurisdiction over the Federal antitrust laws and Federal regulatory procedures—I approached this important and complex issue from a competition and deregulatory policy perspective. Clearly, the proposed entry of the regional Bell operating companies into the long distance and manufacturing markets raises fundamental antitrust questions. After all, it is an antitrust consent decree, commonly known as the Modification of Final Judgment or "MFJ," that now prevents them from entering those businesses, and it is that decree that we are now superseding. Also, the telecommunications industry is a highly regulated one at both the Federal and State levels. In my view, less regulation is a desirable goal in this instance, because it will spur further technological innovation, greater competition and job development.

On May 2, 1995, I introduced H.R. 1528, the Antitrust Consent Decree Reform Act of 1995. H.R. 1528 proposed to supersede the MFJ and replace it with a quick and deregulatory antitrust review of Bell entry by the Department of Justice. Under H.R. 1528, the Bell companies would have been able to apply to the Department of Justice for entry into the long distance and manufacturing markets immediately upon the date of enactment. The Department of Justice would then have had 180 days to review the application under a substantive antitrust standard—specifically, Justice would have been required to approve the application unless it found by a preponderance of the evidence that there was a "dangerous probability that the Bell company would use its market power to substantially impede competition in the market" it was seeking to enter.

This approach received broad, bipartisan support within the Judiciary Committee. In fact, on May 18, 1995, the full Judiciary Committee reported H.R. 1528 by a 29 to 1 recorded vote. unfortunately, however, it became apparent that there was not broad-based House support for a potential Department of Justice veto over Bell entry.

The Commerce Committee, on the other hand, understandably looked at this issue from a telecommunications policy and Communications Act perspective. Its bill—H.R. 1555—which ultimately became the House legislative vehicle, required the Bell operating companies to meet various Federal and State legal requirements to open their local exchanges to competition before they are allowed into the long distance and manufacturing businesses.

In keeping with the long tradition of our Committees sharing jurisdiction over the subject of telecommunications legislation, we cooperated closely on the formulation of the manager's amendment to H.R. 1555, which was adopted on the House floor in August. A number of the provisions originally contained in my bill—H.R. 1528—were moved into H.R. 1555 through the manager's amendment. Furthermore, following House passage, our two committees continued to work closely together representing the House position in the House-Senate conference committee.

Again, I strongly believe the conference report on S. 652 is good legislation that will move America's telecommunications industry forward into the 21st century. Allow me now to briefly explain a few key provisions that were of particular importance to Judiciary Committee conferees.

The conference agreement does include a strong consultative role for the Attorney General. Under this part of the agreement, the Department of Justice will apply any antitrust standard it considers appropriate, which may include the dangerous probability standard from H.R. 1528, to applications by the Bells to enter long distance. After conducting its antitrust analysis, DOJ will provide its views in writing to the FCC and they will be made a part of the public record relating to the application. The conference agreement enhances this consultative role by requiring that the FCC give substantial weight to the views of the Attorney General. By giving this special status to the views of DOJ, the conferees acknowledge the long experience and considerable expertise it has developed in this field. Under this approach, the FCC will have the benefit of a DOJ antitrust analysis before the Bell companies are allowed to enter the long distance market.

The conference agreement also enhances DOJ's role in another way—it repeals section 221(a) of the Communications Act of 1934 (47 U.S.C. §221(a)). Congress enacted section 221(a) when local telephone service was viewed as a natural monopoly. The statute currently provides that when any two telephone companies merge, the FCC should determine whether the merger will be "of advantage to the persons to whom service is to be rendered and in the public interest." If so, the FCC can render the transaction immune from "any Act or Acts of Congress making the proposed transaction unlawful."

However, the conferees concluded that section 221(a) could inadvertently undercut several of the provisions of the Telecommunications Act of 1996. The critical term "telephone company" is not defined. In the new world of competition, many companies will be able to argue plausibly that they are telephone companies. When two telephone companies merge, section 221(a) allows the FCC to confer immunity from any act of Congress—including the Telecommunications Act of 1996—after performing a public interest review.

Thus, if it were not repealed, section 221(a) could easily have been used to avoid the

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cable-telco buyout provisions of the Telecommunications Act of 1996. Any cable company that owned any telephone assets could become a telephone company and be bought out by an RBOC by applying for immunity under this section. Likewise, if section 221(a) were broadly interpreted, it might also have been used to get around all the other line of business restrictions in the bill, including the restriction on RBOC entry into long distance. Fortunately, the conference agreement closes this loophole.

In addition, because section 221(a) allowed the FCC to confer immunity from antitrust statutes, it would have allowed mergers between telecommunications giants to go forward without any antitrust review. Mergers between these kinds of companies should not be allowed to go through without a thorough antitrust review under the normal Hart-Scott-Rodino process. A public interest review by the FCC simply is not a strong enough tool to prevent these giants from destroying competition and recreating a monopoly system through a series of megamergers.

By returning review of mergers in a competitive industry to the DOJ, this repeal is consistent with one of the underlying themes of the bill—to get both agencies back to their proper roles and to end Government by consent decree. The FCC should be carrying out the policies of the Communications Act, and the DOJ should be carrying out the policies of the antitrust laws. The repeal does not affect the FCC's ability to conduct any review of a merger for Communications Act purposes, for example transfer of licenses. Rather, it simply ends the FCC's ability to confer antitrust immunity. In an era of competitive telecommunications giants, mergers between them ought to be reviewed in the same fashion as those in all other industries.

The Judiciary Committee conferees have also focused on the provisions contained in title VI, which address the effect of the bill on other laws. With respect to the various consent decrees, the conference agreement adopts a new approach to the supersession of the Modification of Final Judgment—now called the AT&T Consent Decree in the conference agreement—and the GTE consent decree. It also adds language superseding the AT&T-McCaw Consent Decree—McCaw Consent Decree. The Conference Committee sought to avoid any possibility that the language in the conference agreement might be interpreted as impinging on the judicial power. Congress may not by legislation retroactively overturn a final judgment. *Plaut* v. *Spendthrift Farm, Inc.*, 115 S.Ct. 1447 (1995). On the other hand, Congress may by legislation modify or eliminate the prospective effect of a continuing injunction. *Robertson* v. *Seattle Audubon Society*, 503 U.S. 429 (1992); *Plaut*, 115 S.Ct. 1447; *Pennsylvania* v. *Wheeling & Belmont Bridge Co.*, 59 U.S. 421 (1856).

To avoid any possible constitutional problem, the Conference Committee adopted the following new approach. Rather than superseding all or part of these continuing injunctions, the conference agreement simply provides that all conduct or activities that are currently subject to these consent decrees shall, on and after the date of enactment, become subject to the requirements and obligations of the act and shall no longer be subject to the restrictions and obligations of the respective consent decrees. The new approach did require some adjustment in other parts of the bill, including provisions: No. 1, to continue existing equal access and nondiscrimination requirements for local exchange carriers, No. 2, to adjust the definition of RBOC to exclude successors that do not provide wireline service, and No. 3, to continue activities allowed under existing MFJ waiver requests that have been ruled on before enactment. I believe that each of these adjustments has been made successfully and that this new approach will insulate the bill from constitutional attack.

In other parts of title VI, the conference agreement retains the House language that expressly provides that no State tax laws are unintentionally preempted by implication or interpretation. Rather, such preemptions are limited to provisions specifically enumerated in this clause. One of those enumerated preemptions, section 602, is the local tax exemption for providers of direct to home satellite services. The conference agreement adopts the House language with minor modifications to insure that the exemption extends only to the provision of programming.

Section 602 reflects a legislative determination that the provision of direct-to-home satellite service is national, not local in nature. Unlike cable and telephone companies which utilize public rights-of-way to provide service to their subscribers, providers of direct-to-home services utilize satellites to provide programming to their subscribers in every jurisdiction. To permit thousands of local taxing jurisdictions to tax such a national service would create an unnecessary and undue burden on the providers of such services. Local taxing jurisdictions are therefor preempted from taxing the provision or sale of direct-to-home satellite services. Direct-to-home satellite service providers and others in the distribution chain are exempted from collecting and remitting local taxes and fees on the sale of such services. The power of the States to tax this service is not affected by section 602. Again, States may, if they wish, share the revenue thus collected with their local municipalities.

The conference agreement also contains important language, patterned after provisions contained in H.R. 1528—and H.R. 1555—on electronic publishing. Under the conference agreement, the Bell companies will be able to enter the electronic publishing business through a separated affiliate or a joint venture. They will be required, however, to provide services to small electronic publishers at the same per-unit prices that they give to larger publishers. This will allow smaller newspapers and other electronic publishers to bring the information superhighway to rural areas that might otherwise be passed by.

The conference agreement joins the House and Senate provisions on alarm monitoring. Under the new section 275, Bell operating companies and their affiliates, who have not already entered the alarm monitoring business, may not provide alarm monitoring services for 5 years from the date of enactment.

BOC's that were lawfully engaged in the alarm monitoring business on or before November 30, 1995, however, may continue to provide such services. There are no prohibitions under current law barring such companies from alarm monitoring, and they should be permitted to operate and expand their business just like any other company in our free market system. This legislation should not cause these existing businesses to be unduly penalized after having lawfully entered the business. Moreover, consumers should not be denied the benefits that this additional competition will bring.

It is important to emphasize that it is perfectly legal for the regional Bell companies to be in the alarm monitoring business right now. Since an appellate court decision in 1991, the information services restriction originally in the MFJ has been lifted and the Bell Companies have been free to provide alarm monitoring and other information services. Only one Bell company—Ameritech—has chosen to enter into the alarm business. But they did so in reliance on the law as it was—and still is—at the time they entered. They have invested company resources and assets in this business.

It would simply not be fair for Congress to step in and change the rules of the game for a company that has lawfully chosen to enter into this business. We are not prohibiting any other existing alarm company from expanding their business, nor are we prohibiting them from acquiring other companies. In my view, legislation that alters the legal rights and/or obligations of private parties should be prospective rather than retroactive. So, for those Bell companies that have chosen not to enter the alarm business, prospective restrictions for a period of 5 years are not unfair. That is, once this law is passed, a Bell company not already in the business on the date of enactment could not enter for another 5 years. It would be quite a different matter to limit the actions of a company that already is in the business.

Accordingly, such "grandfathered" BOC's may grow their alarm monitoring business through customer or asset acquisitions; however for 5 years from the date of enactment, such a company may "not acquire any equity interest in or obtain financial control" of an unaffiliated alarm monitoring company. It should be noted that any BOC providing alarm monitoring services will operate under specific nondiscrimination, cross-subsidy, and customer information obligations and protections. After 5 years, there will be no entry, equity, or financial control restrictions on BOC provision of alarm monitoring services.

Finally and importantly, title V of S. 652 will prohibit using and interactive computer service for the purpose of sending indecent material to a specific person under the age of 18. It also outlaws the display of indecent material without taking precautions to shield that material from minors. Defenses to these violations are provided to assure that enforcement will focus on those who knowingly transmit such material to minors. In fact, the conference report expressly provides an absolute legal defense to any on-line access provider, software company, employer, and any other, "solely for providing access or connection to or from a facility, system or network not under that person's control," so long as that person is not involved in "the creation of the content of the communication." Employers are also protected so long as the actions of their employees fall outside of the scope of their employment or if the employer has not ratified the illegal activity.

This provision codifies the definition of indecency that has been upheld in *FCC* v. *Pacifica Foundation*, 438 U.S. 726 (1978), and *Sable Communications of California, Inc.* v. *FCC*, 492 U.S. 115 (1989). Material that is "indecent" is "material that, in context, depicts or describes, in terms patently offensive as

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measured by contemporary community standards, sexual or excretory activities or organs." Thus, the standard contained in S. 652 is fully consistent with the Constitution; it is not unconstitutionally vague.

The underlying legal principle of the indecency concept is patent offensiveness. Such a determination cannot be made without a consideration of the context of the description or depiction at issue. As applied, the patent offensiveness inquiry to be made involves two distinct elements: the desire to be patently offensive, and a patently offensive result. Given these inquiries, it is clear that material with serious redeeming value is quite obviously intended to edify and educate, not to offend. Therefore, it will be imperative to consider the context and the nature of the material in question when determining its patent offensiveness.

Furthermore, title V clarifies current Federal obscenity statutes so it is undeniable that those laws cover the use of a computer to distribute, transport, or import obscene matter. The regulation of Internet indecency contained in the conference report is not based on what should be seen or discussed via the vast compute network, but rather on where or how it is made available. The provisions of the bill are not the most restrictive means, on the contrary, they are reasonable and narrowly tailored so not to overly burden one's right to engage in indecent communications while at the same time achieving the Government's policy objective of protecting our children.

Concerns have been raised about the amendment to 18 U.S.C. § 1462 regarding an interactive computer service. Section 1462 generally prohibits the importation or transportation of obscene matter. Subsection 1462(c) prohibits the importation or interstate carriage of "any drug, medicine, article, or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of such mentioned articles, matters or things may be obtained or made * * *."

We are talking about the advertisement, sale or procurement of drugs or medical instruments or devices, used to bring about an abortion. This language in no way is intended to inhibit free speech about the topic of abortion, nor in any way to limit medical or scientific discourse on the Internet. This amendment to subsection 1462(c) does not prohibit serious discussions about the moral questions surrounding abortion, the act of abortion itself, or the constitutionality of abortion. This statutory language prohibits the use of an interactive computer service for the explicit purpose of selling, procuring or facilitating the sale of drugs, medicines or other devices intended for use in producing abortions. The statutory language is confined to those commercial activities already covered in section 1462(c) of title 18 and in no way interferes with the freedom of individuals to discuss the general topic of abortion on the Internet.

Finally, section 508 will protect kids from sexual predators by making it a crime—punishable by up to 10 years in prison—for anyone to use a facility in interstate commerce, including a computer, to induce or solicit a child under 18 to engage in prostitution or other illegal sexual activity.

In conclusion, I want to thank Commerce Committee Chairman, BLILEY, Subcommittee Chairman, FIELDS, Ranking Member, CONYERS, Ranking Member DINGELL, and Senate Commerce Committee Chairman PRESSLER and their staffs for their cooperation in this monumental effort.

In short, as American advances into the 21st century, this telecommunications legislation is tremendously important. It is my firm belief that this bill means more jobs for Americans and will greatly enhance American competitiveness worldwide. It is high time that we replace this overly restrictive consent decree with a statute that recognizes the telecommunications realities of the 1990's. I intend to support the conference report on S. 652 because it will accomplish these goals.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. BOUCHER].

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

Mr. BOUCHER. Mr. Speaker, I am pleased to rise in support of the conference report on telecommunications reform and urge its adoption by the House. This measure will create competition in our telecommunications markets, first by freeing telephone companies to offer cable TV service inside their telephone service areas, and for the first time, bringing genuine competition to the cable market.

Second and correspondingly, by allowing cable companies and others to offer local telephone service and bringing genuine competition for the first time to the local telephone market.

Third, the bill will enhance competition in the long-distance industry by freeing the seven Bell operating companies to offer interLATA long-distance service.

Fourth, by making the equipment market in the United States more competitive by enabling those same seven companies to manufacture equipment.

A number of benefits will inure from the passage of this bill. Consumers will enjoy better pricing, as competition comes into markets that today are characterized as monopolies or near monopolies. New services will be introduced by the new entrants into these various markets.

Perhaps most importantly, this is the means by which our country will obtain a modernization of its telecommunications network. Telephone companies to offer cable service will deploy broad-band technologies throughout their local exchanges. Cable companies to offer local telephone service will install switches in their coaxial networks, and the United States will then have the most modern network that exists anywhere in the world.

Mr. Speaker, I am pleased to urge support for the conference report.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], who has worked tirelessly across the years for improved telecommunications legislation.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his leadership.

I just want to say that I really do want to find some way that I could vote for this, but ever since I was in law school, I always learned I should be prepared, and I should read what it is I am voting on.

I am standing here to say to my colleagues there is no way in the world that I can read fast enough to get through these 6 pages of technical corrections that we received today, single-spaced, by the way, and the bill, and put it all together and have any idea what I am really reading. So I am very upset that we would waive that 3-day period, move forward, and so forth.

One example of the type of things that we might uncover, let us hope that this is the only thing in there, that there would be nothing else that we would uncover, but this little nugget that we uncovered about referencing in the old COMSAT Act that people have been talking about, and that the gentleman, our chairman from Illinois and the gentlewoman from New York just had the colloquy about, was one very major thing that everybody said, oh, we did not intend to do this. Oh, my goodness, how did this happen?

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It is kind of interesting to me that we had time for all these other technical corrections, but we did not have time for a technical correction to clear up something that nobody intended to do, yet we are going to have everybody confused about what in the world is it we really meant as we did this.

And my problem is, we can have an agreement that abortion, the word abortion, the big A word, is protected speech under the Constitution, which I certainly agree with. But the question is what happens when you go on the Internet internationally? Does the Constitution go internationally? Does it follow you through the lines? I am not sure.

Telemedicine is one of the things we had hoped we would be able to move out and move into as a big area. What does all of this mean vis-a-vis that? We do not have an answer.

Furthermore, unfortunately on this act, there is a decision that came down pre-1972 saying this act is constitutional. So we may have a colloquy saying, "I hope it isn't constitutional," we have got a decision saying it is constitutional. I do not know. I do not have time to go do all of that work in this period of time we have before we are to vote on it.

But I think that it is not a good idea to rush this through when it is such a significant part of our economy, and we are now seeing this gag rule come through which we hope is not a gag rule, but it might be a gag rule, and we do not know what the other 6 pages of single-spaced things might hold, too.

I do not know what happened to being thoughtful. It is only the 1st day

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of February. Do we really have to take the whole rest of the month off? Could we not read and understand this? Because we are coming up with things that we are going to live by and we are going to be held by for the next 50 years.

Mr. Speaker, this is a sad day, and I am only sorry that we could not know more things about it.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. BARTON], a member of the committee.

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

Mr. BARTON of Texas. Mr. Speaker, I want to also express my support to the leadership on both sides of the aisle that have pushed this legislation. Special thanks to my good friend, JACK FIELDS, who is retiring at the end of this session and this is going to be his legacy. He gets triple gold stars for his work.

I want to give a special thought on the local control of the right-of-way. The gentleman from Michigan, Mr. STUPAK, and myself and Senator HUTCHISON in the Senate have worked on that. I had a phone conversation with the president of the League of Mayors this morning, the gentleman from Knoxville, TN. They are supporting the bill.

I would urge all Members who have had some concerns expressed by their mayors to be supportive. We have worked out language in the bill and in the conference report that gives cities absolute guarantees to control their right-of-way and to charge fair and reasonable nondiscriminatory pricing for the use of that right-of-way.

This is a good piece of work, it is comprehensive, it is revolutionary. As my good friend, the gentleman from Virginia [Mr. BOUCHER], said, this opens up seamless interactive communications for all Americans, and I would urge an "aye" vote on the bill.

Mr. Speaker, section 702 of the bill adds a new section 222(e) to the Communications Act which would prohibit any provider of local telephone service from charging discriminatory and/or unreasonable rates, or setting discriminatory and/or unreasonable terms or conditions, for independent directory publishers buying subscriber list information.

Subscriber list information is essential to publishing directories. Carriers that charge excessive prices or set unfair conditions on listing sales deprive consumers and advertisers of cheaper, more innovative, more helpful directory alternatives.

Under section 257 of the bill, within 15 months from the date of enactment, the FCC is to undertake rulemakings to identify and remove barriers to entry for small businesses involved with telecommunications and information services. Clearly, the requirements of section 702 with respect to subscriber list information fall within this rulemaking requirement.

As the FCC determines what constitutes a "reasonable" price for listings, it seems clear that the most significant factor in that determination should be the actual, or incremental cost of providing the listing to the independent publisher. This approach assures that providers get back what it actually costs them to deliver the listings to a publisher without being allowed to "load" the price with unrelated costs and cross-subsidies.

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

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise in support of the conference report for this telecommunications act.

I would like to start out, Mr. Speaker, by paying tribute to the distinguished gentleman from Virginia [Mr. BLILEY], chairman of our committee, to the distinguished gentleman from Texas [Mr. FIELDS], chairman of our subcommittee, who really worked tirelessly; to the gentleman from Michigan [Mr. DINGELL], ranking member; to David Leach of our staff and Lance Scott of mine, thank you for all the hard work that you have put in.

Mr. Speaker, as the Representative of Silicon Valley, CA it is clear to me that making the phone industry more like the computer industry would be a great boost to our Nation's economy.

That is why nearly 9 months ago today I stood with my commerce committee colleagues to announce my original cosponsorship of this historic legislation and rise today as a member of the conference committee.

This legislation sets down a clear framework, or checklist, for deregulating the telephone industry and has put in place detailed rules to protect consumers from certain monopolies.

In addition, the bill ensures rapid development and implementation of new technologies. Of particular interest to me is its mechanism to connect our Nation's children to the Internet and its requirement for a V Chip which parents can use to block television shows harmful to their children.

I am also very proud to report that a provision I authored to limit the role of the Federal Communications Commission in setting standards for the computer and software industry has been included without change in the final bill. With this language, consumers will be free to use their computers to coordinate the functions of their futuristic homes, as opposed to being forced to use foreign-made television sets because of an FCC mandate. I say let the market decide.

Mr. Speaker, as with most legislation, I am not totally satisfied with this bill. I am concerned about provisions in it that may dangerously decrease the number of voices on our public airwaves.

I also strongly object to the bill's provision to hold businesses and Internet users liable from transmitting loosely defined material over computer networks. The Internet is not a U.S. Government network, and giving Federal officials indiscriminate censorship authority in this area mocks constitutional protections of free speech.

I urge expeditious judicial review of this provision to ensure that free speech protections are not undermined.

Despite these reservations which are serious ones, I believe our Nation must embrace the promise of the 21st century, an American century, marked by a new era of telecommunications.

I encourage my colleagues to support the conference report.

Mr. Speaker, there is one provision of the act that has been of particular interest to me as well as a wide range of companies and trade groups associated with the computer and information processing industries. Section 301(f) of the act is a provision that I authored and originally introduced during the Commerce Committee markup as an amendment to H.R. 1555. It limits the role of the Federal Communications Commission [FCC] in setting standards that may affect the computer and home automation industries. It directs the FCC to set only minimal standards for cable equipment compatibility, maximize marketplace competition for all features and protocols unrelated to descrambling of cable programming, and ensure that the FCC's cable compatibility regulations do not affect computer network services, home automation, or other types of telecommunications equipment. In short, this section keeps the Government out of high-technology standards and prevents the FCC from setting standards for the computer and communications services of tomorrow.

Section 301(f) of the Telecommunications Act is a small but key ingredient for achieving the purpose of this historic bill: To embrace the future by allowing new technologies to flourish with minimum Government interference. Just as the act helps to open markets by eliminating Government barriers to long-distance and equipment manufacturing competition, section 301(f) ensures that our vital computer and high-technology markets remain open and competitive by ensuring that Government technical standards are kept to a minimum. Almost all standards in the communications and computer industries are voluntary, private standards—not Government mandates—and they should remain that way.

The principle of keeping Government out of technical standards is taking on increasing importance as we observe the accelerating convergence of the computer and communications industries. Companies throughout America, and all over the world, are feverishly working on the communications applications of tomorrow. These include the smarthouse—a home where lighting, entertainment, security, and other consumer needs are controlled and programmed automatically for users. Computers and communications are at the very center of this automation revolution. But like most revolutions, this one would wither and die if the Government were to set the rules and stifle change.

Section 301(f) modifies the FCC's authority in order to reign in the Commission's ongoing rulemaking on cable equipment compatibility. The problem Congress faces is that the agency has taken our 1992 Cable Act—the source of the Commission's power to assure compatibility between televisions, VCR's, and cable systems—and gone far beyond what appropriate public policy requires or its statutory authority permits. The Commission's 1994 proposal for a decoder interface would make the television set the gateway to the burgeoning

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information superhighway, relegating the computer, and all other home appliances, to second-tier status. It also would include one specific home automation protocol—called CEBus, or Consumer Electronic Bus—as the mechanism by which all cable-ready TV's and set-top boxes would communicate.

My amendment prevents these consequences by precluding the Commission from standardizing any features or protocols that are not necessary for descrambling, preventing the selection of CEBus or any other home automation protocol as a part of the FCC's cable compatibility regulations, and precluding the Commission from affecting products in the computer or home automation marketplaces in any way. Section 301(f) leaves these standards to be set, as they should be, by competition in the marketplace. It makes clear that the Commission does not have the authority to prefer one home automation technology over another or permit its cable compatibility rules to affect the unrelated computer or home automation markets.

Some have questioned whether section 301(f) was intended to prevent the Commission from achieving cable compatibility. To that I say simply: No. The provision does not change the agency's power to ensure that cable set-top boxes no longer interfere with the advanced features of consumer TV's—like picture-in-picture. And as the conference report makes clear, Congress intends that the FCC should now promptly complete its long-delayed cable compatibility rulemaking. What the Commission cannot do, however, is use the 1992 Cable Act as a justification or excuse for broad Government standards on home automation communications or audio-visual equipment.

Under section 301(f), the FCC is required to maximize marketplace competition and private standards, not the role of Government regulations. It is required to let the market resolve standards issues for emerging technologies and services—like satellite broadcasting, video-on-demand and home automation—and to keep its cable compatibility standards narrowly tailored to solve only the specific problems the 1992 act asked the FCC to handle. The decoder interface, with its artificial bottleneck for the television and its unnecessary impact on home automation, is far from the only approach to solving those limited problems. The Commission must rework its compatibility proposal. It should also seek input from the computer, home automation, video dial tone and other potentially affected industries, not just the cable television and consumer electronics industries.

Some have also questioned why the prohibition in section 301(f)—that the Commission may not affect the computer or home automation markets—is so broad. To that I answer that the language is broad in order to effectively implement the principle that FCC regulations should not interfere in competitive markets. Because there is no reason to affect home automation or computers, and because even inadvertent or relatively small effects on competitive markets can easily displace technological innovation, section 301(f) is weighted toward protecting competition and open markets. As the conference report states, any "material influence" on unrelated markets is prohibited. Because it is impossible for agencies or courts to judge whether the impact of technical standards in emerging markets would be harmful or substantial, section 301(f) draws a bright line to avoid any regulatory impact whatsoever.

There is an important policy at work here. The risk associated with wide administrative powers over technology issues in an era of rapid technical change is that premature or overbroad Government standards may interfere in the market-driven process of standardization or impede technological innovation itself. American industry has solved compatibility problems, and created workable standards, in the VCR, personal computer, compact disk, and other industries without any Government involvement. Markets drive interoperability much better, and far faster, than regulatory agencies could ever achieve. Where would we be today if the FCC had stepped in to set compatibility standards for personal computers in the early 1980's? We'd be without Windows '95, or the Mac, or even DOS, because all of these operating systems arose as the result of marketplace forces.

My amendment, which I am proud to report is included verbatim in the final text of the Telecommunications Act of 1995, prevents us from overregulating in the new computer and communications markets of the 1990's. We may yet be a few decades away from the totally automated home of the "Jetsons" cartoon, but with the help of section 301(f) we're one step closer to the smarthouse of tomorrow.

Mr. Speaker, a number of Members, on both sides of the aisle, played important roles in supporting my amendment at the Commerce Committee level and during the conference committee negotiations. I very much appreciate this bipartisan support, and thank my colleagues for insisting that the final conference report include the full text of the provision as originally introduced by me and as passed by the House last August. I urge the House to pass the Telecommunications Act of 1995 and to apply its basic principles of open markets and competition to the important area of compatibility standards.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

Question: How many know whether or not there will be an unprecedented increase in media concentration if this measure becomes law?

Answer: Not many.

But does it?

Well, the answer is that at a time that we need greater and more diverse media voices, this measure before us will eliminate the national radio and television ownership rules, scale back local concentration rules, and allow corporations to simultaneously control broadcast and cable systems.

Disheartening? I think so. Can it be improved? Of course. How do we do it? Send it back to the committee.

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

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Ohio [Mr. OXLEY], a member of the committee.

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

Mr. OXLEY. Mr. Speaker, I rise in strong support of the conference report.

Years ago, seems like longer than it was, but in 1991 the gentleman from Virginia [Mr. BOUCHER] and I introduced legislation to eliminate the cable-telco cross-ownership language, to encourage competition between cable and telephone and allow them into each other's businesses, neither one of them particularly happy with that prospect at the time, and now we have come to this day.

In looking back, when Al Swift and Tom Tauke introduced a bill to eliminate the modified final judgment, we worked very hard on that issue, the gentleman from Massachusetts [Mr. MARKEY], the gentleman from Michigan [Mr. DINGELL], the chairman, and I want to express my sincere appreciation to them for their hard work in the past and what has brought us here today.

The same kind of thing for the gentleman from Virginia [Mr. BLILEY], the chairman, who has shown enormous leadership, and my good friend, the gentleman from Texas [Mr. FIELDS], who unfortunately will be retiring but has just put in hours and hours of work and leadership to get us where we are today. I think all of us in this House owe JACK FIELDS a great deal of gratitude for where we are today.

The heart of this bill is to eliminate monopolies and to encourage this great competitive marketplace that we have going for us. Our answer is, let the competition begin.

Today, we make history, the first major rewrite of telecommunications legislation in this country in over 60 years. Driven by good public policy and an explosion of new technology, we stand at the threshold of the 21st century in communications with America as the undisputed leader.

Mr. Speaker, in many ways it is a relief to be approaching the end of this protracted process. This conference report has been a long time coming—62 years, in fact—and while the bill falls a bit short of my expectations, there can be no doubt that it represents landmark reform of the Nation's telecommunications law.

This legislation is ambitious in its vision and breadth. It is a vision of deregulation and head-to-head competition. It opens up all communications markets to competition, including the local telephone and cable television industries.

The measure's provisions allowing telephone companies and cable companies to compete in each other's markets are based on legislation I introduced in 1991 with the gentleman from Virginia [Mr. BOUCHER]. Our measure envisioned the convergence of these technologies, and our initiative constitutes the heart of this reform effort, if I may say so myself.

The bill is antiregulatory and antibureaucratic in philosophy. Where there are regulations or mandates, they exist in most cases for the express purpose of promoting competition and ensuring the unencumbered operation of market forces.

As is the case with politics, open business competition is not always a pretty process. There will be dislocations and miscalculations.

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Certainly, there are those who would prefer the old way of sheltered monopolies and intense Government regulations. But in the end, the more efficient markets, and innovations that protected incumbents would never undertake.

As an aide, Mr. Speaker, there are some important issues which have been left somewhat vague in the conference report, in order to allow the FCC the latitude to implement them effectively. Some specifics have been outlined, however. In the case of the joint marketing provisions, for example, it is my understanding that the offering of local and long distance service under the same brand name would be permissible, so long as they are fully separate and those services are not jointly advertised. In the case of local marketing agreements, I note that the language allows LMA's to continue. It is important that broadcasters are granted the flexibility that these innovative agreements make possible. They help ensure the continuation of free, over-the-air local broadcasting.

The truth, Mr. Speaker, is that the conference report could have been even more deregulatory than it is. It is not the revolutionary measure originally introduced in the Subcommittee on Telecommunications and Finance. Unfortunately, the regulators and the protectionists left their imprint on this bill, as well.

However, considering that we have a regulation-minded administration at the White House and rather narrow Republican majorities in Congress, it is an excellent step in the right direction. And in those areas where we did not meet expectations, there will be future opportunities to address shortcomings.

Mr. Speaker, enactment of this legislation will mean more choices, lower prices, and better services for all telecommunications consumers. It will mean more economic growth, more jobs, and a more competitive U.S. economy. I urge the support of all Members.

Mr. MARKEY. Mr. Speaker, I yield 1¼ minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. I thank my friend, the gentleman from Massachusetts [Mr. MARKEY], for yielding time to me.

Mr. Speaker, when we were working on this bill back in the Committee on Commerce, there were only a handful of us who voted against the bill coming out of committee. I say a handful, 5 fingers, there were 5 of us. When we came to the floor, again, we had many concerns with the chairman's mark.

I will tell Members that during this process, even thought people on both sides of the aisle, certainly the gentleman from Virginia [Mr. BLILEY], chairman, and the gentleman from Texas [Mr. FIELDS], chairman of the subcommittee, tried to work very hard in a bipartisan manner to include all of our concerns, I did not think we could get to the point where we would have a bill that is acceptable.

I will tell Members that while the bill that we are taking up here, this conference report, is certainly far from what this Member of Congress would call ideal, I will support this bill. I think that we have now seen how the process is supposed to work, how we are supposed to have give-and-take, we are supposed to hear from industry groups who have concerns.

The good Lord knows we all heard from industry groups and from consumer groups. I would have to think that in my brief period here in this Congress, this is the most lobbied piece of legislation certainly that I have seen. I hope it is the most lobbied piece I will ever see. I do not want anybody to try and break these records.

But with this bill we are going to create jobs. In my State of Pennsylvania we are guessing, in talking to industry sources, that in a 10-year period we may create 140,000 much needed jobs, and other States across this Nation will see similar things.

I would simply ask all of my colleagues to give due consideration to supporting this conference report.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK] who has brought a great energy and intellectual impact to this legislative process.

Mr. FRANK of Massachusetts. I thank the ranking member of the Committee on the Judiciary for yielding me the time.

Mr. Speaker, I agree that this bill is substantially improved from the one that originally came before us, although the notion of passing a bill which has had added to it at a very unusual point in the process, namely, in the conference, language that is explicitly and admittedly unconstitutional because of its restriction on using the word "abortion" is an interesting way to legislate, and that is one reason that I do not like the bill.

But another, as I said before, is the extent to which it is so unfair to the Republican leadership. It seemed to me that Speaker GINGRICH and his arguments against censorship was entitled to more consideration that he got from his side of the aisle. I thought the Speaker was right when he opposed censorship and I am sorry to see that he has given in.

But I am even more distressed at the end of my brief alliance with the Senate majority leader. The Senate majority leader had been strongly, in the last few days and few weeks, objecting to giving away access to the TV spectrum, an asset that now belongs to the public and is worth many billions of dollars—we are not sure how much—and he said, "Don't give it away. Let's auction it off." I thought he was right and I was hoping we would get somewhere.

Because this bill essentially gives it away. I know we are being told that we should all pretend that the bill does not really do that, just as we should pretend that the bill does not really have some language in there restricting your ability to talk about abortion on the Internet. But the fact is that this legislation was drafted with the intention of giving a substantial public asset to the broadcasters. I believe it is in error.

I would hope we would defeat this today, send it back to conference, let them simply put in auction language. Let us auction off this very valuable aspect of the spectrum, have the billions of dollars for the public. It will be billions less than we would have to take out of Medicare or Medicaid or the environment.

I am afraid that we are setting the precedent here or confirming the precedent here that free enterprise as the Republicans see it is for the poor. Because today by giving away billions of dollars to the networks, later by making similar presents to wealthy agricultural interests, we will have confirmed that free enterprise and an absence of subsidy are rules by which the poor and the working class should live. But when it comes to substantial and important wealthy economic interests, whether they control the sugar and peanut industry or whether they are networks, they will be treated quite in contradiction to the principles of free enterprise, quite without regard to free market, but instead will be given these kind of subsidies.

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Giving away this very substantial asset that the unused portions of the spectrum represents for no money and after they use it for a while, maybe they will think about giving it back, I doubt very much that they are going to want to do it, is a very grave error.

Auctions of the unused parts of the spectrum have proved very successful, and it is a grave error not to include them here.

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman for yielding, and my congratulations to him, the gentleman from Virginia [Mr. BLILEY], and certainly to the gentleman from Texas [Mr. FIELDS], for putting together this very difficult piece of legislation.

When the AT&T system was broken over a decade ago, everybody assumed that local telephone service was a natural monopoly. Today, thanks to rapid technological and market changes, that is no longer the case.

As States around the country are proving, competition is much better than regulation of telephone markets by our Government bureaucrats.

Just as we are replacing regulations for telephone companies, so are we with cable companies. Based on provisions that I authored in the House-passed legislation, this conference report ends Federal regulation of the entertainment tier of cable. Competition from the telephone companies and many new entrants will replace one of the most needless sets of regulation of the entertainment tier of cable television leaving regulation in place for the so-called life line tier of cable. Competition from the telephone companies and many new entrants will replace one of the most needless sets of regulation this Congress had ever passed.

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With enactment of this legislation, we finally get the Government out of the job of regulating MTV and the cartoon channel. We have finally moved out of the dark ages to provide competition rather than regulation to the benefit of the consumers of this country.

I urge my colleagues to support the conference report.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Speaker, I think we all today owe a special thanks to the gentleman from Virginia [Mr. BLILEY] and to the gentleman from Texas [Mr. FIELDS], to my good friends, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY], for all of their hard work and efforts on behalf of all of us here in America for this wonderful piece of legislation.

I would like to ask the people of America to pay attention, folks, because in the midst of all of our frustration over budget battles and partisan politics, a new day has dawned with this legislation.

Today's vote on this historic legislation lays out the welcome mat for the 21st century and for those of us in rural America, it ensures we have a place at the table.

As a representative of 25 rural counties in Arkansas, my primary concerns during these negotiations and among the conferees has been ensuring that people who live in rural areas will have access to the same advanced technology and competition that we are seeking for the country and at affordable prices. Today, I am extremely pleased with the results of endless hours of talks.

By extending the definition of universal service, we have provided the means to ensure the coordinated Federal-State universal service system provides consumers living in rural and high-cost areas with access to advanced telecommunication services at reasonably comparable rates. By adding guarantees to the requirements for receiving universal service money, we have also made sure rural consumers will be served.

The waives and modifications created in both the Senate and House bills were carefully blended in conference to balance desires to promote competition in local exchange areas while ensuring smaller providers have necessary flexibility to comply with the bill's interconnection requirement.

I appreciate the chairman's willingness to work with me on these and many other issues.

I also would like to recognize the House's wisdom in accepting the Snowe-Rockefeller provision in the Senate bill to supplement distance learning and telemedicine. We included similar language in our bill last year. I am pleased my colleagues in the House took the time to educate themselves about the infrastructure we need to educate our children.

This is a bill we can all be proud of. I certainly encourage all of my colleagues to support it.

My primary concern during negotiations among conferees has been ensuring that people who live in rural areas will have access to the same advanced technology and competition that we're seeking for the country—and at affordable prices.

Today, I am extremely pleased with the results of endless hours of talks. By expanding the definition of universal service, we have provided the means to ensure that the coordinated Federal-State universal service system provides consumers living in rural and high-cost areas with access to advanced telecommunications services at reasonably comparable rates. By adding guarantees to the requirements for receiving universal service money, we also have made sure that rural consumers will be served.

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I also would like to recognize the House's wisdom in accepting the Snowe-Rockefeller provision in the Senate bill to supplement distance learning and telemedicine. We included similar language in H.R. 3636 last year, and I'm pleased that my colleagues in the House took the time to educate themselves about the infrastructure we need to educate our children. We have crafted a bill that will enable doctors in Little Rock to read x rays from the Ozarks while students in Piggott will be able to use the Library of Congress in Washington for their term papers.

On a lighter side, this bill will give consumers more entertainment choices. It's been a long road toward creating the parameters for the information superhighway, and I congratulate Chairmen DINGELL, MARKEY, FIELDS, and BLILEY for their leadership. Special thanks also are due staffers David Leach, Andy Levin, Harold Furchtgott-Roth, Cathy Reid, Mike Regan, and Michael O'Rielly.

Mr. CONYERS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we have heard from the industries involved in this bill, oh, have we heard from the industries. We have heard from the lobbyists that the industries have hired, oh, have we heard from the lobbyists. We have heard from the consultants that the lobbyists have hired. We have heard from the law firms, we have heard from all of them. Someone said, "We never want to hear from them again." Well, you will not for about 50 years, because that is how long it will take for us to get around to another communications act.

Why did you hear from them? What did you hear from the consumers? Oh, them? Well, what did you hear from the citizens? Oh, yes, right, JOHN.

Well, here is what they said, this is a $70 billion giveaway to broadcasters in this bill. I like broadcasters, folks. But the bill contains a provision which gives current broadcasters a block of publicly owned radio spectrum to increase their revenues by providing several free and pay-per-view channels, paging transmission and other nonprogram services without giving the public anything in return. Now, that from the Consumers Federation of America. Did they come and visit you? Have you received any visits from their lobbyists? I do not think so.

So what we are doing, ladies and gentlemen, in broad daylight, and I know we are sober, we are giving corporate welfare to a broadcast industry which is already among the most powerful. This gift is especially outrageous at a time when we propose massive budget cuts for scores of important social programs.

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

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Speaker, before I start, I would just like to commend the chairman of the committee for the great work he has done and also to the distinguished subcommittee chairman, the gentleman from Texas [Mr. FIELDS], who is retiring.

I would like to echo a comment one of my colleagues said, this is a great opportunity for bipartisanship, and I hope the American people are watching and the people in the audience, and, of course, the people here on the floor. This is a bipartisan opportunity.

I would like to put into the RECORD two colloquies with the distinguished subcommittee chairman, the gentleman from Texas [Mr. FIELDS], and this deals with the duopoly rulemaking. I would like to engage the gentleman in a colloquy.

Has he read the duopoly rulemaking that I gave him that I can make part of the RECORD here today?

Mr. FIELDS of Texas. If the gentleman will yield, I have read the clarification of local television station ownership provisions. The gentleman is correct in the statements that are made.

Mr. STEARNS. Since the rule was last revised, the local media marketplace has undergone a breathtaking transformation. So I think this is important. Also, has the gentleman, the subcommittee chairman, had the opportunity to read the statement concerning the must-carry provision? It is my understanding there is language within S. 652 which requires all must-carry challenges submitted to the FCC to be resolved within 120 days. Is that correct?

Mr. FIELDS of Texas. If the gentleman will yield further, that is correct, and I have examined the remainder of your colloquy.

Mr. STEARNS. Mr. Speaker, I am making part of the RECORD three documents.

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The documents referred to follow:

Mr. STEARNS. Further I would like to state that broadcast stations are important sources of local news, public affairs programming, and other local broadcast services. This category of service should be an important part of the public interest determination to be made by the Commission when deciding whether a broadcast renewal application shall be granted by the Commission. To prevent local television broadcast signals from being subject to noncarriage or repositioning by cable television systems and those providing cable services, we must recognize and reaffirm the importance of mandatory carriage of local commercial television stations, as implemented by Commission rules and regulations.

The following is the understanding and agreement referred to in the colloquy between Representative FIELDS and Representative STEARNS:

The conference report directs the FCC to conduct a rulemaking proceeding to determine whether to retain, modify or eliminate its duopoly rule, which prevents ownership of more than one television station in a market. Since the rule was last revised, the local media marketplace has undergone a breathtaking transformation. This has been characterized not only by a large increase in the number of broadcast stations (up one-third in the last decade alone), but more significantly by an onslaught of new multichannel rivals to traditional broadcasters, such as cable and satellite systems, and soon, video dialtone networks.

It is agreed that, when it considers revision of the duopoly rule pursuant to this conference report, the FCC should give serious weight to the impact of these changes in the local television marketplace—changes which have left broadcasters as single-channel outlets in a multi-channel marketplace.

It is also our intent that the FCC should revise the rule as is necessary to ensure that broadcasters are able to compete fairly with other media providers while ensuring that the public receives information from a diversity of media voices.

It is also agreed that the FCC should consider granting waivers for combinations in which at least one station is a UHF and where the FCC determines that joint ownership, operation, or control will not harm competition or the preservation of a diversity of voices in the local television market.

As our numerous hearings demonstrated, today's local television marketplace exemplifies the massive changes in the competitive landscape that we've witnessed in many sectors of communications. Viewers are no longer limited to a few TV channels. Rather, consumers have—or soon will have—access to dozens of cable channels, wireless cable, satellite and video dialtone systems.

Broadcasters compete with these multichannel rivals for viewers and ad dollars alike. In particular, interconnected and clustered cable systems are now capable of offering advertisers local spots throughout an entire local media market, thus directly impacting the local broadcasting market. Indeed, cable's share of local advertising revenues increased by 80% between 1990 and 1993, and this rate of increase is projected to continue for the foreseeable future.

If we want free, over-the-air programming to survive and thrive, we need to give broadcasters the flexibility they need to compete effectively with their new multi-channel rivals. To this end, the conference report grandfathers Local Marketing Agreements, the innovative joint ventures that many broadcasters have been using to meet the new competition.

The need to relax the duopoly rule is illustrated by the broadcast community's experience with LMAs. These joint ventures enable broadcasters to take advantage of the economies of scale and generate synergies that provide more outlets for free and innovative local and other programming. LMAs have enabled new stations to get on the air and struggling stations to stay on the air.

Beyond grandfathering LMAs, this legislation charges the FCC to take a hard look at the duopoly rule, and Congress could not be more clear; the FCC is directed to determine whether to retain, modify, or even eliminate its limitations on television station ownership in a local market.

It is my position that the FCC should waive or eliminate the duopoly rule in circumstances cases where a proposed combination involves at least one UHF station and there is no demonstration of harm to completion or diversity of voices in the market. Congress needs to closely monitor the FCC to ensure that it revises the duoploy rule in recognition of the changes in the local television marketplace and of the need to give local broadcasters some flexibility to respond and succeed in the challenging multichannel marketplace.

The 1934 Communications Act—accompanied as it is by a hodgepodge of FCC decisions and court rulings—is outdated. As we craft the communications policy that is going to carry us into the 21st Century, we must ensure that it reflects the flexibility of an ever-changing marketplace.

We are standing at the precipice of a bold new era of communications, an era whose full impact we can only speculate about. But we can say this: That era holds great promise for America, economically and even politically. It will be an era in which America's already significant lead in communications technology continues to expand. It will be an era in which Americans will have greater access to information and education than ever before. And it will be an era in which democracy itself will be enhanced as Americans gain powerful new ways to communicating directly with their elected representatives.

For these reasons, this telecommunications bill represents one of the most important pieces of legislation Washington will consider this year. Unlike many bills before Congress, which concern the routine functions of government, the telecommunications reform legislation will help transform the very fabric of American society.

This is no small task and is fraught with controversy, but there is a common thread that holds all the elements of this massive bill together: deregulation. The fact is, government intrusion in America's communications industry has held us back, stifling innovation, competition, and the ability of America to maintain its global lead in key technologies. While this legislation did much in the way of loosening the regulatory chokeholds in the areas of long distance and local phone service, and cable, more could have been done in the area of broadcasting.

Broadcasting occupies a unique and critical position in the world of telecommunications. Broadcasters fulfill a number of important roles in their communities—reporting school closings, covering local news, and providing emergency information. In addition, broadcasting is unlike other communications technologies. Broadcasting is not only the only technology available to 100 percent of American households, the content it provides is free. The only cost is for a receiver.

Not surprisingly, broadcasting remains the principal means Americans use to get the information and entertainment that make up an important part of their lives. In fact, broadcasting has the widest coverage of any media today. More households have television and radios—99 percent—than have telephones—94 percent—or cable service—61 percent. Broadcasting to this day is the one medium that reaches the whole country. It is precisely for this reason that we must ensure that broadcasting remains a vital component in the information age. We must provide broadcasters with the flexibility to compete effectively not only with each other but also with their competitors.

In 1964, the FCC last revisited the duopoly rule which prohibits an entity for owning two television stations in a local market. In 1964, there were very few VHF stations and the FCC felt this rule was necessary to ensure diversity. Well, the video landscape has changed dramatically since the implementation of the 1964 duopoly rule.

Americans have access to many over-the-air broadcast channels. In the last decade alone, the number of commercial broadcast stations has increased by nearly one-third. This increase in free over-the-air viewing options, coupled with the availability of a multitude of video outlets—cable, wireless cable, DBS and the imminent entry of telephone companies offering video dialtone—evidences the fact that the duopoly rule has outlived its usefulness.

Serving local needs in an expensive endeavor. Relaxing the duopoly rule would allow station owners to achieve economies of scale by sharing equipment, accounting, and other common station costs. Saving on broadcasting costs would enable broadcasters to compete with themselves as well as other nonbroadcasting competitors. Keeping the duopoly rule freezes broadcasters as single channel providers who must compete with other multichannel providers.

Broadcasters have long found cable to be a formidable rival for viewers, but now local broadcasters are losing market share for local advertising revenues, too. For years, because of fragmentation of ownership in local markets, cables' share of local ad revenues has lagged behind its rapidly increasing penetration and viewership. But increasingly, cable operators are creating marketwide interconnects capable of offering local spots on all the cable systems in a market. Moreover, in order to compete with phone companies, cable operators are clustering at a rapid pace so that they dominate an entire local market. Driven by these interconnects and clustering, cable's share of local advertising revenues increase 80 percent from 1990 to 1993.

Because of the increased competition from fellow stations and other video providers, many broadcaster stations are marginal operations, particularly in the smaller markets, where, according to the FCC, stations lost on average $880,000 in 1991. Adding a further financial complication, the conversion to digital broadcasting will be stressful for these smaller market stations.

In this increasingly competitive communications market, it is not fair if one competitor remains leashed to outdated regulations. This is what will happen if we do not relax the duopoly rule, while we unshackle many of the broadcasters' competitors.

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To respond to the challenges of today's media and advertising marketplace under the existing regulatory scheme, many television broadcasters have emulated their colleagues in radio and entered into innovative arrangements called local marketing agreements, or LMA's. An LMA is a type of joint venture that generally involves the sale of a licensee of chunks of air time on its station to another station, in the same or adjacent market, which then supplies the programming to fill that time and sell the advertising to support it.

Such agreements enable separately owned stations to function cooperatively, achieving significant economies of scale via combined sales and advertising efforts, shared technical facilities and increasing stations access to diverse programming. I'm pleased this legislation recognizes the benefits of LMA's and grandfathers them. By grandfathering LMA's, we are allowing broadcasters to continue to use a tool that has helped them meet the challenges of today and tomorrow.

My own State, Florida has 5 LMA's which have generated positive synergies. Channel 26 in Naples could not afford a real news department until it entered into an LMA with channel 20 in Ft. Meyers. Now it has an outstanding news operation. This particular joint venture shows how LMA's can increase the amount of local news programming. There are many other examples of LMA's across the country that evidence the benefits of such arrangements.

While I am disappointed the conference did not accept the House provisions which relax the duopoly rule, I am confident that the FCC will, in its duopoly rulemaking, conclude that as this body did, that a 1964 rule is no longer applicable to today and more important, tomorrow's video marketplace. We must not continue to deny local broadcasters the flexibility they need to meet the challenges of an ever increasingly competitive market. Broadcasters must have more relief if they are to play a meaningful role in the information age. While grandfathering LMA's is a start, it certainly is not enough. The best solution to ensure the continued viability of free, over-the-air broadcasting is to relax the duopoly rule.

I am also disappointed with the radio provisions which are a disservice to those in the radio industry. While the House and Senate bills completely deregulated the radio industry, the conference took a giant step away from deregulation and forces the radio industry to attempt to compete with others with a 50 pound weight of needless regulation around its neck. I prefer the original House position which would have enabled all in the radio industry to prosper.

While the Telecommunications Act improves upon the Pole Attachment Act of 1978, our legislation fails to completely redress this issue. We have worked together to forge a compromise, but certainly we could have gone further, allowing the free market to work.

Again, while I am deeply disappointed with some provisions in this bill, I will support it because of the effect it will have on our economy. Overall, Congress cannot afford to let this opportunity slip through its fingers one more time. We must seize this opportunity and pass this ground breaking legislation now.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I did not have the privilege of participating in this year's debate, because I took a leave of absence from this committee. But truly I participated in the last, I do not know, 10 to 15 years that we tried to do a bill, and for this reason I think enormous credit must go to the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] and I think especially the gentleman from Michigan [Mr. DINGELL], who have over the years produced a bill that brings back open competition, deregulation. This is a historic bill, probably the most important bill that will do something for people, bring technology into people's homes, opens up telephone service, cable.

This is something that I think, as the gentleman from Michigan [Mr. CONYERS] has pointed out, perhaps is not perfect, but it is something that once again, when the history is written of this Congress, I think this bill is going to be considered landmark legislation, and again, while I did not participate this year, I remember the hundreds and thousands of hours of markups when something did not work, and again, I want to commend the chairmen, but especially those on my side of the aisle, the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Michigan [Mr. DINGELL] for truly historic efforts in voting a historic bill.

Mr. Speaker, I rise in strong support of this historic telecommunications reform legislation which is the product of a bipartisan effort over many years. In particular, I would like to commend Chairman BLILEY, Subcommittee Chairman FIELDS, Ranking Member DINGELL, and Mr. MARKEY of Massachusetts for their spirit of cooperation and commitment to passing quality legislation.

This legislation, which will serve as the foundation for America's communications future, meets the necessary balance of private and public cooperation in setting the rules for competition in all communications markets and protecting consumers.

This telecommunications reform legislation will play a major role in bringing the benefits of the technological revolution closer to all Americans.

Although, Congress can ensure universal access, it cannot guarantee success. I challenge all Americans to take advantage of historic, new technology to boost its economic fortunes.

The nature of the telecommunications industry is inherently susceptible to large degrees of commercial concentration. I am confident this bill combines private sector mechanisms necessary to ensure all residents the highest quality of services while maintaining Government safeguards to ensure open competition and policies that empower children with information technology by creating incentives for public entities like schools, libraries, hospitals and community centers.

This bill embraces sensible deregulation and market-driven competition. It is a welcome dose of bipartisan compromise that will yield unlimited benefits in the form of job creation and the disbursement of the information age.

Deregulation is necessary where appropriate and prudent. However, Government oversight is necessary to ensure the public good such as providing universal service to poor, rural and minority customers.

This legislation ensures that all providers contribute their fair share to supporting universal telephone service in residential and rural areas. It preserves the principle that everyone should have access to telephone service, regardless of their ability to pay the cost to provide that service.

As Americans have done so many times in our history, we enter the information age in the belief of open markets and free competition. As we stand amidst the apprehension of the unknown and the excitement of discovery, we accept the challenges of the future and the responsibility of inevitable obstacles.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. BERMAN], who has done extremely important work on the antitrust provision in this bill.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BERMAN].

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

Mr. BERMAN. Mr. Speaker, the conference report appropriately includes a strong, independent role for the Justice Department in evaluating applications by RBOC's to provide long distance service.

The FCC must consult with the Attorney General in determining whether RBOC entry is in the public interest, a requirement designed to ensure that the FCC gives proper regard to the Justice Department's special expertise in competition matters and in making judgments regarding the likely marketplace effects of RBOC entry into the competitive long distance markets.

In fact, acknowledging the importance of the antitrust concerns raised by such entry and to check any possible abuses of RBOC market power, the bill specifically provides that the FCC accord substantial weight to the DOJ's views on these issues.

I am pleased that we have secured the Justice Department's role as the country's antitrust expert by ensuring that its position is given serious substantive consideration on the merits by the FCC as well as in any ensuing judicial proceedings.

However, I am gravely concerned that provisions in title V of the conference report, in particular, sections 502 and 507, are unconstitutional.

In section 507, by extending to the internet clearly unconstitutional underlying law, we are enacting an unconstitutional abortion gag rule.

As a member of the conference committee, I would like to review the procedural history of the adoption of the online indecency prohibition in section 502.

The House conferees first voted to approve a substitute amendment offered by Representative RICK WHITE which contained a Miller-adapted "harmful to minors" standard, rather

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than an indecency standard as the basis of liability under Section 223(d) of Title 47. The harmful to minors standard would have criminalized exposing children to online pornography such as Playboy or Penthouse without chilling entirely nonpornographic, but offensive, expression. However, the House conferees then approved by a 17-to-16 vote an oral amendment offered by Representative GOODLATTE to replace the "harmful to minors" standard in the White substitute with a then-unspecified indecency standard.

After that vote, Representative WHITE put forward a proposal to supporters of the Goodlatte amendment to define the indecency standard to include the third prong of the Miller-Ginsberg "harmful to minors" test. The proposal was to include statutory language clarifying that the indecency standard included only material that "taken as whole, lack[s] serious literary, artistic, political or scientific value for minors." I and others supported this proposal in an effort to avoid criminalizing display of valuable material that might nevertheless be considered "patently offensive" according to the standards of some local communities. However, the proposal was rejected by leading supporters of the Goodlatte amendment. They instead reduced the Goodlatte amendment to writing by incorporating the FCC broadcast definition of indecency into the House offer to the Senate. That indecency formulation was accepted by the Senate conferees, and will now become part of this legislation.

No hearings were held by any committee of jurisdiction with regard to the constitutionality of the indecency standard adopted by the Conference Committee or the least restrictive means by which to implement such a standard.

I regret that there were no hearings on this issue because I believe that we have overlooked serious constitutional problems with applying the indecency standard to the online medium. The least restrictive means test to which the courts subject indecency restrictions requires us to consider carefully how the restriction applies to the medium in question and whether less intrusive alternatives would achieve the governmental interest in protecting children. Having failed to engage in this inquiry and analysis, we have a conference report which assumes that the broadcast indecency standard can simply be applied wholesale to displays of online content.

While I believe that we have made progress in some respects through the adoption of the conference compromise on Internet content, I fear that our failure carefully to consider the least restrictive alternative test may result in the invalidation of section 223(d), a concern expressed to me in a letter from the Department of Justice. This letter was sent to all the conferees and explained that the indecency prohibition adopted by the conference was constitutionally suspect, and stood a greater risk of being found unconstitutional than the harmful to minors standard that was supported by 16 House conferees. In a hurried effort to appear tough on pornography we may well have approved an unenforceable legal standard.

□ 1530

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FRISA].

Mr. FRISA. Mr. Speaker, the Congress will soon pass the first overhaul of America's communications laws since 1934, when Americans gathered around the family radio for their news and entertainment. Today, as a result of this exciting new law, the very latest in technology will now be available and affordable to every American everywhere. So this legislation, which will breed competition and innovation and lower costs to all Americans, is good for the American people, and I urge its adoption.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

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

Mr. DEUTSCH. Mr. Speaker, I want to commend the conferees. This legislation is as significant as it has been controversial and complex, and it has required a tremendous effort on the part of the conferees to get us to the point where the conference report can be voted on today.

This legislation will be a major boom to our economy and our constituents. My constituents, like others around the country, will be the beneficiaries of greater communications choices, lower costs, increased jobs, and economic well-being. The bill represents a substantial step in the right direction, and I believe it will strike a good balance between deregulation and consumer protection.

As for the issues that have not been completely nailed down, such as foreign ownership rules and questions of interpretation and implementation, I look forward to working with my colleagues on the Committee on Commerce to ensure that the vision and balance intended in this bill is maintained.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT], who has served with unusual distinction in his career on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think my colleagues know me well enough to know that I seldom come to the floor to debate a bill when I do not know how I am going to vote on that bill.

This is a bill which has some real advantages to it. I think we do need to increase the level of competition in the telecommunications industry, and this bill heads us in that direction. But there are also some very troubling things about this bill, and I am really having a hard time balancing those troubling aspects against the benefits of the bill.

Would it be irresponsible of me to vote to give away the capital of the United States of America? That is in essence one of the things this bill does. The 70 billion dollars' worth of assets that the United States Government now owns is being given away to the richest people and industry in America under this bill. That is the spectrum value, I am told.

So I am troubled, deeply troubled, by the notion that we could at the same time that we are taking $70, $100, $200 billion away from the poorest people in this country, be turning around, on the other hand, and giving away $70 billion of our assets. I am troubled by that. I hope I can get some guidance before the vote.

Mr. BLILEY. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from North Carolina.

Mr. Speaker, there is no giveaway in this bill. What we do is loan the spectrum to the broadcasters because they have to simulcast while they advance this new technology. That is, the current TV sets will not receive the digital signal, so they have to broadcast both digitally and analog.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. Mr. Speaker, I do not have the time, and, if the gentleman will be patient, I think he will understand where I am coming from by the time I am finished.

So they have to do this simultaneously. What we say is once this conversion comes, we reclaim the analog spectrum and we auction it off at that time. Nobody can tell you if the American people for sure will adopt this new technology, and nobody can tell you when they will do it; $70 billion is pulled out of the ether somewhere. There are no statistics to back it up.

Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, this is truly an historic day for this body. It marks the beginning of a new era for America businesses and consumers that will result in the creation of millions of new jobs in the years ahead because of this legislation.

Full and open competition will create new products and innovative services at the best prices for consumers. I think, most importantly, this bill recognizes one of our guiding principles, that competition is better than regulation.

Mr. Speaker, I want to give special thanks and appreciation to the chairs, the gentleman from Texas, [Mr. FIELDS] and the gentleman from Virginia [Mr. BLILEY] for their leadership in bringing this bill to the floor today. This is one of the most important days in this Congress.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I think that one of the most important things in this telecommunications reform bill

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is the provision that I advocated when the bill was before the House some months ago, and that is affordable access to the Internet for schools. I would like to thank all of those Members of both sides of the aisle who fought for this and who kept with it in the conference, because this is one of the items in which no high-priced lobbyists were involved. No one was interested but the parents and the teachers of this country. It will make a tremendous difference, especially for children who come from less affluent families. Recently my hometown newspaper did an analysis of Internet access and test scores and found that for children in low-income neighborhoods whose families do not have a lot of money, their test scores rose dramatically just with their introduction to the Internet. So I think this is a stellar day for schoolchildren.

Mr. Speaker, I would also like to say that I was very angry when I heard that some people would jeopardize this very important bill by putting in extraneous measures having to do with abortion. I would like to thank, the gentleman from Illinois [Mr. HYDE], and the gentlewoman from New York, [Mrs. LOWEY], who disagree on the underlying issue, for clarifying that these provisions are unconstitutional and now the legislative history is such that they are not valid.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT], before the dean's explanation has taken hold.

Mr. WATT of North Carolina. Mr. Speaker, I am just trying to get some further clarification here, because the gentleman from Virginia [Mr. BLILEY], has indicated that they are not giving this spectrum away. Am I clear that in the process of loaning this spectrum, when you get back what you are going to get back from them ultimately, they are giving you the old capacity back, not the new capacity?

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Virginia.

Mr. BLILEY. That depends. If they use the new capacity, yes, we will get the old back. If they do not use the new capacity, we will get the new back.

Mr. WATT of North Carolina. Mr. Speaker, reclaiming my time, if they use the new capacity, would that not be the equivalent of giving you back what would be the virtual equivalent of black and white television as opposed to much more advanced capabilities, the equivalent of color television?

I know it is beyond that, but I am simplifying it. We are not talking black and white versus color, but capacitywise, is it not substantially more?

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the spectrum, we do not know what they will be used for when it is auctioned off. It could be used for many things. But it will bring a far better price than if you do it speculatively now, because the broadcasters will have to spend some $10 billion for new equipment in order to broadcast a digital signal while they do the simulcast.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, is it not true that the old spectrum is inordinately less valuable than the new digital spectrum?

Mr. BLILEY. Mr. Speaker, reclaiming my time, it may or may not be. We will have to see.

Mr. DINGELL. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, this is a very regrettable red herring. We have now a system of analog broadcasting for television. It is possible to develop a system of digital broadcasting in which we get a superior signal, both as to sound and as to picture. We are trying to move ourselves from this analog system to the superior digital system and to achieve the benefits which will flow from that kind of use.

To do so, we have seen that the Federal Communications Commission has made available a block of spectrum which will be made available to each of the broadcasters so that they can use it for going from analog to the new digital system, and they will continue to use the analog system which they now have during the time that the changeover takes place.

There are literally hundreds of millions of television sets in this country that have to be changed from the analog to digital. At the conclusion of the entire process, one of these existing sets of signals will be returned to the Federal Government. They will be unimpaired because the spectrum is a system of availability of receiving signals.

Mr. FIELDS of Texas. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Speaker, to my good friend very quickly, it is the anticipation that the V-band is going to be cleared. The U-band will be packed, which will add value to the return of that analog spectrum. It is arguable that this will be more valuable spectrum.

Mr. DINGELL. Mr. Speaker, reclaiming my time, the spectrum will come back to the Government at the conclusion, either the digital or the analog, and the citizens will during that time have a chance to change over to the new kind of television sets. The broadcasters will be able to convert to the new kind of broadcasting system.

The country will achieve the enormous benefit of this set of events, and the public will receive the opportunity to make the changeover in an orderly fashion in a way which benefits everybody. The taxpayers will gain. There is no giveaway of anything.

At the conclusion of this time, the broadcasters will have the same amount of spectrum they have now and an orderly changeover to a superior system of broadcasting will have taken place during this period.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman. The one thing that surprises me is that the Republican Party has apparently, with regard to this question of how to use the new spectrum, so little confidence in the free market. We hear about the free market from time to time, but because a very valuable industry, the broadcasting industry, wants to get the first use of it for nothing, and that is what we are talking about, this valuable part of the spectrum, yes, the broadcasting industry will be allowed, for free, to do the experimentation, and then maybe at the end they will give back the other part of it.

Mr. Speaker, the gentleman from North Carolina was right.

□ 1545

Whatever happened to the free market? Is not the best way to decide how to use this new spectrum that will become available, whether it is for digital TV or for some other purpose, to let us auction it off?

Mr. Speaker, earlier it was said all elements of industry liked this bill. I have no particular beef with the industry, but I would suggest that when all elements of industry like the bill, probably the taxpayers and the consumers have reasons to worry.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, why do we have to give the broadcasters spectrum not being used for free, over-the-air TV? It is a gift, no matter how it is described. It is a huge, charitable, wealthy, corporate gift.

Mr. Speaker, I yield 15 seconds to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, now that I have heard all the explanations, I would say that this is like giving away the dirt road and the interstate highway, and, once this is all over, we are going to be given back the dirt road to auction off the somebody else.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, let me see if I can help set the record straight. Our bill does not give away spectrum to the broadcasters to do anything with other than to broadcast over the air in this transition from one technology to the other. And then it requires the return of the old technology spectrum to the people of the United States.

Second, the bill provides that, if the broadcasters should use any of that spectrum for any purpose other than

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over-the-air broadcasting, they have to pay for it like everybody else. That is what the bill currently says.

One final point: The issue of a broadcast spectrum is tied up with something called the public interest standard. It has to do with the trade we made a long time ago to licensed broadcasters who operate under a public interest standard, a relicensing by the FCC, and a review of that licensing over time.

If my colleagues want to change that policy, and some do, they ought not make it in a budget meeting; they ought to make it in the committee of jurisdiction where we examine what happens on television and what broadcasters do with the license they get to operate in the public interest standard. I urge my colleagues to pass this bill and let us debate that issue in the committee of jurisdiction where it belongs.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I would like to thank the gentleman from Virginia [Mr. BLILEY], chairman, and the gentleman from Michigan [Mr. DINGELL], ranking member, and of course the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee, and the gentleman from Massachusetts [Mr. MARKEY], the ranking member of the subcommittee.

I am pleased that this conference report contains a new initiative to assist in the development of capital funds for small businesses. This telecommunications development fund will provide low-interest loans to small businesses with $50 million or less through upfront spectrum auction payments. I would like to thank the leadership of the committee for bringing this momentous legislation forward and for supporting my efforts to assist small businesses.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the argument we hear against auctioning off the spectrum to the broadcasters, as we have just heard from my friend from Louisiana, after all, they operate with public interest obligations. I have been here with him 15 years, and that is the nicest I have ever heard him talk about public interest obligations.

The broadcasters successfully work to reduce those public interest obligations to mean virtually nothing. The only time they raise them is when they can use them as an excuse to get the superhighway, as the gentleman from North Carolina said, for free. I do not think that my friend from Louisiana believes that that public interest standard will ever be amounting to much. It is simply a flag they wave so they can get this for free.

Mr. BLILEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman from Virginia [Mr. BLILEY] has 6 minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 6 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this very, very important bill that is going to provide deregulation in an industry that is badly needed. We are going to finally bring the telecommunication policy of this country into the last half of the 20th century before we enter the 21st century.

Mr. Speaker, this bill is going to create millions of jobs, estimated over 3 million jobs due to the new competition and the new technologies that are going to be made available.

I would also like to thank the gentleman from Illinois [Mr. HYDE], the chairman, and the gentleman from Virginia [Mr. BLILEY], the chairman of the conference, for making it possible for me to play a key role in working out an agreement that protects the rights of local governments to see that their zoning regulations are carried forward in making sure that, when new cell towers are located, they have the ability to determine in each locality where they are placed while fairly making sure that those locations do not interfere with interstate commerce and with the opportunity to advance this new technology.

I strongly support this legislation and urge my colleagues to vote for the conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. WHITE], a member of the committee.

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

Mr. WHITE. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] for giving me the opportunity to be part of this bill.

This is a good bill. It is an important bill. I would like to point out what sometimes gets lost when we talk about all the details. The main accomplishment of this bill is that it takes us from our current situation of regulated monopolies in many, many industries and takes us to an era of competition. That is the huge accomplishment of this bill. It is a very important accomplishment, and I think it is something we can all be proud of.

There are several other issues this bill deals with. Like many good bills, this is not a perfect bill. I think we have a ways to go making sure that the Internet is protected under this bill. I think we ended up with the wrong standard for indecency. I think we have to make sure that the FCC does not have a role in regulating the Internet. I think that the gentleman from Texas [Mr. FIELDS] and I have colloquy that we are going to submit for the RECORD on that issue. But on balance I think this is important, and I ask the gentleman from Texas if he has seen the colloquy and agrees with it.

Mr. FIELDS of Texas. Mr. Speaker, if the gentleman will yield, I have reviewed that. He is accurate and I am supportive.

Mr. WHITE. Mr. Speaker, reclaiming my time, I appreciate that. I thank the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] for letting me be part of this bill. It is a great bill, and I hope we adopt it.

Mr. BLILEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in reviewing section 602 of the bill as modified by the conference agreement, which deals with the preemption of local taxation for direct-to-home services, I wonder whether this provision should also include any present or future wireless service providers who transmit video programs to subscribers without using traditional wire-based distribution equipment as the new local multipoint distribution services, or LMDS.

I yield to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, it sounds like essentially the same factual situation to me. I assure the gentleman that we would be willing to hold hearings in the Committee on the Judiciary on that subject later this Congress.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a historic day. The legislation which we are considering has been constructed over a 4-year period. Much deliberation has been given to this legislation. Many issues so complex that they could not be resolved in brief periods of time had to be deliberated after much expert opinion over month-long periods.

The product that we have out here on the floor is not perfect, but it is the blueprint for the information superhighway of the 21st century. Its most important component is that it uses competition as its core, as its soul.

Everything in this bill is not perfect. The bill, in fact, guarantees that no company in any industry will any longer be able to rest comfortably knowing that they have a monopoly and that telecommunications or computer or long distance or software or whatever high technology industry that they seek to make their fortunes in.

In addition, we ensure diversity. We ensure that consumers are going to have choices. There will be two wires at a minimum to almost every single home in the country, each wire able to perform every single one of the services. If you throw in the electric companies, which also have the capacity to do so, we are going to have a revolution which the smallest companies, the

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smallest software companies, that thousands and thousands of software companies and computer companies which represent the real job creators over the next generation will, then they can one way or the other get their product into the homes, into the businesses of every single person in this country.

This is a revolution. It breaks down all the old models of one cable company, of one television company. It breaks new ground in a way that should make every Member of this Congress proud. It is not perfect, but it is the best overall blueprint that any country in the world has ever come up with. We have the lead in all telecommunications fields. This bill allows us to sprint out further and look behind us over our shoulder at No. 2 and No. 3 in the world.

We should not delay yet another 2 years. Let us pass this bill.

On the issue of spectrum, for each of us here in Washington there is a channel 4, a channel 7, a channel 9. Next to it is a channel 3, a channel 6, a channel 8. The broadcasters will be given channels 3, 6, and 8. They will convert over to digital on those channels, and then they have to give back the old channels here in Washington. Channel 4, 7, and 9 must be given back, and then we can auction off those channels. They are only left with the same amount of band width as they have ever had.

Let us not have this red herring to float out here on the floor. There is no digital spectrum, there is no analog spectrum. There is spectrum. You use digital equipment or analog equipment. The broadcasters need time to convert over to digital equipment. The spectrum is the same.

I want to compliment, finally, the people who constructed this bill. On my staff, Colin Crowell and David Moulton who worked tirelessly. David Leach, chief staffer for the minority; Alan Roth and Andy Levin on our side. Mike Regan, Cathy Reid, Christy Strawman on the majority side. Michael O'Rielly, J.D. Derderian, Steve Cope.

This bill was put together after thousands of hours of discussion. It is a very good bill for the future of this country. We will have to come back and revisit it again and again in order to ensure that we continue to perfect that which we seek for this country. But this bill is the best that any in the world have ever seen.

We are breaking ground that Japan and Germany and France and England do not have the nerve to take. We are going to enter a brave new world where our companies will be forced to produce the best products, the best service at the lowest price and highest quality that will be sold around the world. Some companies will be winners, some will be losers.

□ 1600

Many more will be winners than losers. Our country ultimately will be the big winner. This is a good bill. It is one that this House should be proud of. It is a bipartisan product of work over a 4-year period.

Again, I compliment the chairman of the full committee, the gentleman from Virginia, Mr. BLILEY, and my good friend, the gentleman from Texas, JACK FIELDS, for his hard and courageous work on this bill; the gentleman from Michigan, JOHN DINGELL, chairman, once and future; and all the Members, minority and majority who have contributed to this process. It is something this House will be proud of.

It will be, when we look back, the one product out of this 2-year period where all Members of Congress, when they are sitting in their rocking chairs, can point back to and say "I was there when the blueprint of the 21st century was noted on the floor of the House of Congress." Vote "yes" on this telecommunications bill.

Mr. Speaker, over a number of years, Congress has sought to update antiquated communications laws while remaining true to the three core principles of the Communications Act of 1934 that have guided communications policy for decades: universal service, diversity, and localism.

These three principles have served our Nation well and have helped bring Americans the finest communications technology and service in the world. The challenge for policymakers is to reform the rules in a way that retains these core values as they are impacted by two new factors: rapid technological change and fierce competition.

In many ways, the conference report on S. 652 makes great progress in accomplishing this task. In fact, many of the key policy proposals embodied in the legislation trace their roots to the Markey-Fields and the Dingell-Brooks legislation of the 103d Congress—H.R. 3636 and H.R. 3626, which were approved by the House by an overwhelming 423 to 5 vote. For example, it will help establish learning links to K–12 schools, libraries, and hospitals. It contains expanded privacy protections for consumers. It unbundles set-top boxes and other interactive equipment so consumers can buy the equipment of their choice. It helps to ensure access by disabled persons to telecommunications equipment and services. The bill will make sure that universal service evolves over time and that all competitors contribute to the system. It allows the phone industry into the cable business and vice versa. It breaks down the last vestiges of monopoly control over local telephone service as a condition of Bell entry into new business opportunities. These were all elements of the Markey-Fields legislation of the 103d Congress.

The conference report on S. 652 reflects a series of compromises between the House and Senate that resolve to my satisfaction the series of objections I raised to H.R. 1555 when it was approved by the House last August. The conference report on S. 652 being brought back to this body is a much-improved piece of legislation. It scales back or removes many of the problematic provisions of H.R. 1555 while retaining procompetitive, pro-consumer measures that I strongly support.

Title I of the legislation will break down barriers to competition in the so-called local loop. Ridding the communications industry of the last vestiges of its monopoly past has long been a goal of mine. I believe strongly that we need to bring competition to every nook and corner of the telecommunications industry and break down monopoly barriers so that small companies and electronic entrepreneurs could get into the game, create jobs, and compete for consumers.

My overarching policy objective in this telecommunications legislation has been to create jobs and choices for the American people. For this reason I have consistently opposed monopolies and worked to rein in monopoly power and abuses wherever they arise. Why? Because monopolies limit choices. Monopolies retard technological development. Monopolies do not avail consumers of the lowest prices and the highest quality.

For me, competition has consistently been the preferred vehicle for bringing affordable and high-quality telecommunications technologies to the American consumer.

The compromise bill will allow the regional bell operating Companies into the long distance business, telephone companies into the cable television business, and the long distance industry, cable industry, and others into the local phone business. Over the long term I believe that increased competition between and among these hitherto separate industries will create tens of thousands of jobs. Moreover, I believe that the real explosion in terms of job creation, innovation, and new services will come from the computer and software industry as it converges with the telecommunications industry and further expands high-technology networking in the country.

The original House proposal would have deregulated cable systems within 15 months of the date of enactment. The pending legislation will deregulate the rates of most cable systems 3 years from now—in March 1999. The rationale for deregulating cable systems at that point is due largely to the success of the Cable Act of 1992. Although the cable industry fought the provision vigorously, the Cable Act of 1992 gave emerging satellite competitors and others access to cable programming, making competition viable. I am encouraged by the progress that direct broadcast satellite companies and wireless cable companies are making in signing up customers and competing against incumbent cable operators. It is my hope that robust competition will develop between these industries by 1999 to an extent that sufficiently avails consumers of affordable marketplace choices for multichannel video programming.

In addition, many of the cable provisions of the House bill that I found objectionable have been favorably resolved in the pending bill. The legislation no longer requires 3 percent of subscribers to complain to the FCC prior to inducing a rate review. Instead, franchising authorities may complain to the Commission after receiving consumer complaints. The legislation also does not contain provisions that would have generally and prematurely deregulated subscriber equipment.

The legislation also requires the Commission to resolve challenges to must-carry status within 120 days after a request is filed with the Commission. Broadcast stations have historically been important sources of local news, public affairs programming, and other local broadcast services. This category of service is an important part of the public interest determination to be made by the Commission when

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deciding whether a broadcast renewal application shall be granted by the Commission. To prevent local television broadcast signals from being subject to noncarriage or repositioning by cable television systems and those providing cable services, I believe it is important to recognize and reaffirm the importance of mandatory carriage of local commercial television stations, as implemented by Commission rules and regulations.

The conference report also contains provisions which would allow registered utility holding companies an exemption from the Public Utility Holding Company Act of 1935 [PUHCA]. PUHCA is a complex statute that regulates the operations of large registered multistate electric and gas utility companies. It requires registered holding companies to obtain prior SEC approval before establishing affiliates, issuing securities, or entering into new lines of business. The act affects the ability of registered to enter into telecommunications because PUHCA restricts registered utility diversification into nonutility businesses by requiring such businesses to be functionally related to the utilities core business—i.e., at least 50 percent of such businesses must serve core utility functions such as internal business communications.

PUHCA was enacted to deal with the fact that State PUC's cannot effectively regulate the operations of multistate utility holding companies with complex corporate structures and an ability to cross-subsidize at the expense of captive ratepayers. While much has changed since PUHCA was enacted in 1935, the electric utility business remains a monopoly and there remains a temptation for self-dealing and cross-subsidization at the expense of captive utility ratepayers.

Many House conferees felt that unless we end the electric utilities' continued monopoly over electricity generation, we must retain certain controls and protections if we were to allow PUHCA-registered holding companies to diversify into telecommunications. We felt that PUHCA provisions of the Senate bill do not adequately address the threat of cross-subsidization or self-dealing at the expense of captive utility ratepayers.

Despite our strong reluctance to including PUHCA–TELCO language in this bill, we were able to work out on an approach based on the EWG provisions of EPACT that would adequately protect consumers and investors. This compromise would:

Require the FCC to certify a registered's telecommunications company is PUHCA-exempt for specific telecommunications purposes.

Certification of the telecommunications entity is necessary to ensure that it is exempt from PUHCA solely for enumerated telecommunications activities.

This is based on EWG model that has been highly successful, with over 250 applications approved to date.

Provide for state prior approval for converting existing rate-based facilities for use by the exempt telecommunications company.

This protects electric consumers investment in facilities constructed for their benefit (otherwise such facilities might be transferred to the telecommunications affiliate at less than fair market value.

This protects captive ratepayers from subsidizing telecommunications activities that don't benefit them.

Grant the SEC authority to obtain risk assessment information regarding financings of the exempt telecommunications company so that it can assess a substantial adverse impact of such financings on the registered holding company, in light of total invested in core utility operations, telecommunications, exempt wholesale generators, and foreign utility companies.

This will allow the SEC to take action to deny a proposed financing of an EWG, FUCO, or utility affiliate if it determines that the financial health of the registered is in danger as a result of telecommunications financings.

Provide for prior State and local approval of affiliate transactions.

This ensures captive ratepayers do not pay an inflated price for telecommunications service, due to the incentive to use a monopoly market, electricity, to subsidize entry into a competitive one, telecom.

Assure regulators access to books and records and provide audit authority.

This is necessary to ensure State and Federal regulators can examine all relevant utility and affiliates records to ensure cross-subsidization is not occurring.

Assure no preemption of State/local authority to protect electricity consumers.

I believe that this is an acceptable compromise on this difficult issue, and I commend the gentleman from Michigan [Mr. DINGELL], the gentleman from Virginia [Mr. BLILEY], and the gentleman from Colorado [Mr. SCHAEFER] for their work on this matter.

The conference report on S. 652 also contains a provision that I authored as part of H.R. 3636 in the last session of Congress and that was embodied by legislation authored by Chairman BLILEY and myself in this session. Section 304 of the bill will unbundle set-top boxes, converter boxes, and other interactive communications equipment and make them available for purchase from third parties. I believe that this is a procompetitive, proconsumer provision that will enable computer companies, telecommunications equipment providers, and other entrepreneurs to innovate and sell new high-technology gadgets to consumers without having to sell out to the owner of the wire that delivers multichannel video programming. I believe this will help to replicate for the interactive communications equipment market the success that manufacturers of customer premises equipment [CPE] have had in creating and selling all sorts of new phones, faxes, and other equipment subsequent to the implementation of rules unbundling CPE from common carrier networks.

The conference report on S. 652 is most improved in its treatment of mass media ownership issues. I had battled and fought against the mass media provisions of H.R. 1555 because I felt that such provisions indiscriminately repealed rules that helped protect important values such as localism and diversity. During floor consideration of H.R. 1555 in August I successfully amended the bill to scale back the TV network audience reach from 50 percent to 35 percent and reinstated the broadcast-cable crossownership prohibition. The conference report states that the Commission's regulations on national ownership caps should be increased to the 35 percent level and that limitations on the number of stations one entity could own be eliminated. This policy decision reflects a carefully calibrated balance and I believe that the duly considered view of Congress on these matters should settle the issue for many years to come.

With respect to the broadcast-cable crossownership rule, the conference report explicitly states to the FCC that repeal of the statutory prohibition shall not be interpreted as a signal to repeal the Commission's broadcast-cable crossownership rule or even to initiate a rulemaking to repeal the rule. The conference report expressly did not seek to wipe out the broadcast-cable crossownership rule and therefore the Commission is advised not to expend its limited resources reviewing this issue.

Much improved is the provision eliminating local ownership limits on radio stations. Although both the House and Senate bills eliminated the local ownership limits of 4 stations per market but because of concerns expressed by myself and others on the conference committee, as well as by the Clinton-Gore administration, local limits were reinstated in conference. The conference report revises section 73.3555(a) of the Commission's regulations to provide for ownership limitations based upon market size. The conference report does not define the term "radio market" and the Commission will need to apply a definition of such term as part of revisions contemplated by this section.

I also applaud the fact that the bill includes two issues that I have long advocated. The conference report includes important new consumer privacy protections and also includes a provision similar to one that I authored as part of H.R. 3636 that will include links to schools, libraries, and hospitals as part of a telecommunications universal service obligation and contribution. Privacy and security concerns on the information superhighway will continue to grow as the network grows and as more and more personal information is digitized and rides on the highway. More work needs to be done in this area to protect transactional information and to ensure that people have every opportunity and right to protect their data with encryption technologies. I will continue to work on this issue but the privacy provisions of S. 652 are good ones and an important down payment for consumers.

As many of you may know, establishing learning links to K–12 schools has long been a concern of mine and the conference report on S. 652 will make such links affordable for every school in the country. I believe it is imperative that we link all the classrooms in the country because it is the only way that we can mitigate against a growing digital divide where some schools get access and others do not. We must bring all our kids along to the future. No nation can hope to prosper in a fiercely competitive global economy where information is the coin of the realm if it does not give the bottom 10, 15, or 20 percent of its society the Information Age tools necessary to compete for jobs in such an economy.

Another benefit of this bill is the inclusion of the V-chip, an initiative I launched in 1993. The V-chip is the nickname of a feature which, when included in a television set, allows the viewer to block programming that is rated. Congress has moved forward with this provision because it is a technological solution to a problem facing parents everyday—how to effectively enforce standards in their own homes regarding what is suitable for their children to watch on television.

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I am personally very gratified that the provision sponsored in the House by myself, Representative DAN BURTON, Representative JOHN MORAN, and Representative JOHN SPRATT, was chosen by the conferees as the basis for compromise. This has ensured that the development of a model rating system as envisioned by this bill will, under no circumstances, be imposed by rule on any broadcaster. In fact, under this bill, no program will ever be rated unless industry participants decide to do the ratings themselves. No government entity will ever rate a show; no government bureaucracy will ever rate a show; no government agency is empowered to sanction any broadcaster for refusing to rate a show.

It is our hope that each segment of the television industry will eventually recognize that giving parents information that allows them to protect their children will improve, not harm, free, over-the-air broadcasting. It is simply an update of the on-off switch of the three-network 1950's to the 500 channel universe of the coming century. Movies are being rated, computer games are being rated, the Internet is introducing screening devices, cable television is prepared to rate their shows, and it is inevitable that broadcast television will expand and refine the application of "Parental Discretion Advised" warnings to the whole range of shows considered potentially harmful to children.

It will be several years before television sets include the V-chip. First, the industry must develop a ratings system. Second, the set manufacturers must build new sets to include the electronics to read the ratings. But every parent will be pleased to know that, the day President Clinton signs this bill, it will have been declared in the public interest for this country to warn parents of programming that could harm their kids and to provide parents the means to block such programming out of the home, if they choose, with this simple, ratings-and-blocking device.

Finally, I want to commend Chairman BLILEY, Mr. DINGELL, Chairman FIELDS, and other members of the conference committee for their excellent work in bringing together the compromises necessary to reach final agreement.

Mr. CONYERS. Mr. Speaker, I yield myself my remaining time.

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman from Michigan [Mr. CONYERS] is recognized for 30 seconds.

Mr. CONYERS. Mr. Speaker, the insurance premium issue is not a red herring. It is a matter of both reality and public policy. If we were able to auction it to the networks, everyone has recognized it could generate billions and help balance the budget. This bill gives the insurance premium to the networks rent-free, and no Member will be able to justify this at a time when we are chopping Medicare in order to balance the budget.

I want to thank Chairman BLILEY for making the process of debate and consideration of this important economic bill open and bipartisan—for members of both the Commerce and Judiciary Committees.

LONG DISTANCE AND RELATED ISSUES

I said at the beginning of this debate that the antitrust laws and the Antitrust Division must remain at the very center of the telecommunications debate. Antitrust law is synonymous with low prices and consumer protection—and that is exactly what we need in our telecommunications industry.

The Antitrust Division is the principal government agency responsible for antitrust enforcement. Its role in the MFJ has given it decades of expertise in telecommunications competition issues. The Division has unrivaled expertise in making predictive judgments and in assessing marketplace effects. The FCC by contrast has no antitrust background, and is facing the threat of significant downsizing.

This is why its so important that the Justice Department was given an enhanced role in reviewing possible Bell entry into long distance. Under the conference agreement, the FCC must consult with and give substantial weight to the views of the Justice Department regarding such Bell entry—this is a necessary, but not sufficient condition to meeting the overall public interest requirement concerning Bell entry. The final conference agreement therefore ensures that the Justice Department's views will be given serious substantive merits by the courts on appeal as well as the FCC.

The Justice Department will be able to use whatever standard they believe is appropriate, including the so-called eight-c test under which Bell entry is not permitted into long distance or manufacturing unless there is no substantial possibility the Bell could use its market power to impede competition. It is also my understanding that the Department will retain its full statutory authority to represent the interests of the United States before the courts on appeal.

The importance of the long-distance entry provisions are underscored by the very few narrowly drawn exceptions to meeting the entry conditions. The grandfather for previous MFJ waivers under section 271(f) applies only to the particular Bell and the scope of particular activity addressed in the waiver. The exception for incidental services under section 271(b)(3) and 271(b) is to be narrowly construed. And the regulatory forbearance provisions set forth in new section 10 do not permit the FCC from forbearing enforcing the long distance entry requirements.

It is also important to note that even after entry occurs, section 271 applies separate affiliate requirements for at least 3 years in order to check potential market power abuses. And although some joint marketing is permitted by the Bells under these provisions, both the Bells and their affiliates would be subject to nondiscrimination requirements. And the Bell and its affiliate must also make the individual services that are jointly marketed available to competitors on the same terms they make them available to each other.

In addition, the bill contains an all-important antitrust savings clause which ensures that any and all telecommunications merger and anticompetitive activities are fully subject to the antitrust laws. Telco-cable mergers and all other broadcast, media, or telecommunications transactions will be fully subject to antitrust review, regardless of how they are treated under the bill or the FCC.

And the bill includes a very useful repeal of 47 U.S.C. 221(a) which could have exempted mergers between telephone companies from antitrust and other legal review. This was a holdover from the 1920's, an era when Federal telecommunications policy promoted competition over competition.

I would also like to remind the Members that this legislation would not be possible had the Justice Department not broken up the old Bell monopoly in 1984. The 1984 MFJ—which broke the Bell System into AT&T and the seven regional Bells, and which has been so ably supervised by Judge Harold Greene for 12 years—has unleashed one of the most significant competitive forces in our economy.

Since the MFJ opened up the long distance and manufacturing markets to competition, we have seen a 70-percent reduction in long-distance prices and an explosion in product innovation. The legislation rightly recognizes that it's time to open up the local loop to competition as well. And by maintaining the role of the antitrust laws, the bill helps to ensure that the Bells cannot use their market power to impede competition and harm consumers.

OTHER ISSUES

However, aside from the long-distance provisions of the bill, which I support, I have a number of substantive concerns with the final conference agreement.

The cable provisions allow for deregulation before the advent of competition, raising the specter of unregulated monopoly. Two Congresses ago we spent consideration time and energy in adopting legislation to protect consumers from price gouging, and we were finally able to pass the bill over President Bush's veto. This Congress the Republicans have decided that consumer protection must take a back seat to industry demands. Although a small concession to consumers was made by delaying the date of price increases until 1999, there is no guarantee there will be any cable competition by this time.

The bill will also allow for an unprecedented increase in media concentration. At a time when we need greater and more diverse media voices, the bill will eliminate the national radio and television ownership rules, scale back local concentration rules, and allow corporations to simultaneously control broadcast and cable systems.

The bill also places a number of heavy-handed burdens on the taxing and regulatory authority of State and local governments. The cities will no longer be able to tax direct broadcast services. Local governments are also forced to give up their power to regulate access agreements. Rather than grant the rights-of-way a city or county believes are in the public interest, they must comply with a new set of rules which come down from Washington. In doing so, the conference report completely ignores the new unfunded-mandate law.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to include extraneous material on this legislation.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to commend my colleagues: As I said before, the gentleman from Texas, JACK FIELDS, the chairman of the subcommittee; his vice chairman, the gentleman from Ohio, MIKE OXLEY, without whose diligent work we would not be here; for the

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wonderful cooperation on the part of the minority: the ranking member of the subcommittee, the gentleman from Massachusetts, Mr. MARKEY; the ranking member on the full committee, the gentleman from Michigan, Mr. DINGELL. The staff, as the ranking minority member of the subcommittee, the gentleman from Massachusetts pointed out, has done yeoman work. They have worked weekends, they have worked nights, and I know they will be glad when this day is over, as we will be.

I remember working with the gentleman back in the early 1980's, when Mr. Baxter and Mr. BROWN reached an agreement. We came close to getting a bill then, but we were blocked at the end. One thing or another has frustrated us in every Congress since. Here we are on this historic day.

Mr. Speaker, this is a good bill. This is a bill that we can be proud of. Is it perfect? No, and it never will be, but bear in mind, this is the most extensive rewrite of telecommunications law in 60 years. Mr. Speaker, the reason it has taken 60 years is because it is complex. It is difficult. It is intricate. All of these players believe in competition, but they each feel they are entitled to a fair advantage.

Through the diligent work of the committees and the conference, we think we have created as level a playing field as we know how to do. As we stand here, all of the players in this complex act support this bill; some, truly, more than others. But it is a great day. It will be competition. It will give the American consumer greater choice. We will be leading the cutting edge as we go into the 21st century as a result of this bill. It is the greatest jobs bill we are likely to pass in this decade.

Mr. FAZIO. Mr. Speaker, this bill is good for consumers. It provides a supermarket in the telecommunications industry with one stop shopping for cable and phone service if you wan it. This bill is good for our children. It provides incentives to bring technology and the Internet into our grade schools, middle schools, high schools, and libraries.

Congress is—at last—taking into its own hands the deregulation of the telecommunications market which has been handled in a piecemeal fashion by the courts since the 1982 breakup of AT&T. Despite this inefficiency, States have been moving forward. In my home State of California, telephone companies have recently been allowed to offer local long-distance services and their local markets have been opened to facilities-based competition.

With this conference agreement, we acknowledge the changes that are taking place in the marketplace an insure that the process by which all competitors compete is fair and evenhanded.

I regret that I had to oppose the rule on this bill because of the unconstitutional language relating to abortion. I appreciate representative LOWEY's efforts to clarify that everyone's first amendment rights should be protected on the Internet. In light of her efforts, I am now prepared to support final passage of this measure.

I do want to point to one other concern however, relating to my district. The goal of this legislation is to create an environment in which new and expanded services are delivered to consumers. In some cases that can best be accomplished through the combined resources of smaller local telephone companies and local cable companies.

Section 652 sets limitations on the size of the local telephone companies that may own more than a 10 percent interest in their local cable operator. It was my understanding that the intent of the legislation was to limit these activities to local telephone companies below tier-one companies in size.

Further, section 652 sets forth conditions under which the FCC may grant a waiver from these restrictions if to do so is in the public interest and the local franchising authority approves. There may be a situation or two where a local cable company and local telephone company have been already negotiating a sale under current law but will find themselves facing a new set of rules before the sale is complete.

If the FCC finds this to be in the public interest, particularly if we are talking about small, non-tier-one companies, in my view this is the kind of circumstance for which Congress has created the waiver.

And since it is the intent of Congress to promote competition while encouraging localism, a circumstance in which a locally owned, non-tier-one local telephone company is seeking to purchase a local cable system serving just part of its telephone service area, and the telephone service area is subject to competition or impending competition from large national and international telecommunications conglomerates, should be the kind of situation giving rise to a waiver.

Mr. Speaker, there is a lack of consistency in the boundaries of telephone service areas, cable franchising areas, and census bureau population boundaries. Consequently, the guideline in the bill of 12,000 cable subscribers in an urbanized area should not be an obstacle to serving the public interest and should not restrict the FCC from granting waivers for providers serving more subscribers than the limit. Finally, if the FCC finds no anticompetitive effects to a proposed transaction, it should grant a waiver.

I urge by colleagues to support this legislation.

Mr. SKAGGS. Mr. Speaker, I'm going to vote for this bill because it promotes competition and growth in the communications industry, and I believe that will benefit consumers.

I must, however, express my strong opposition to one particular provision, section 507. This section clearly violates the first amendment's prohibition against laws restricting freedom of speech.

As some of our colleagues know, section 507 of this conference report incorporates by reference part of the Federal criminal law—18 U.S.C. 1462—and, by doing so, would make it a crime punishable by up to 10 years in prison to transmit or receive information through an interactive computer about abortion procedures.

While this bill contains other constitutionally questionable restrictions on the content of information transmitted or received through a computer, a flat prohibition on transmission or receipt of abortion information, like that contained in section 507 is, as the chairman of the Committee on the Judiciary has conceded, clearly unconstitutional.

While the authors of this bill have stated on the floor of the House of Representatives today that it was not their intention to restrict free speech on the matter of abortion and have stated their understanding of the unconstitutional nature of section 507, it is difficult to understand how and why this provision was ever included in this bill. The inclusion of this offensive provision is a testament to the terribly flawed process used to bring this conference report to the floor today.

The Members of the House have been given assurances that including this provision restricting free speech on the subject of abortion was a mistake we should act quickly and in a bipartisan fashion to correct this insult to the first amendment rights of all Americans.

Ms. WOOLSEY. Mr. Speaker, I rise in support of S. 652, the Telecommunications Act of 1995, which represents the most comprehensive overall of our Nation's telecommunications law since 1934. This historic legislation seeks to provide consumers with more choices and lower rates by promoting competition among telecommunications providers.

I opposed the House-passed version of this legislation because I did not believe it would have adequately protected American consumers from unwarranted cable and telephone *rate increases. I was also very concerned that* it would have allowed only a few large companies to control what Americans watch on television, listen to on the radio, or read in the newspapers.

While I continue to have reservations about several provisions of this legislation, I would like to commend the members of the conference committee for making significant improvements in many areas of the bill. The conference report does much more than the original House bill to benefit consumers. It deregulates the cable industry more gradually, raises broadcast ownership limits in a way that will promote competition and preserve diversity, and seeks to improve phone service and lower phone rates by leveling the playing field for telephone service providers.

I remain very concerned, however, about a provision in this bill that will criminalize the communication of information about abortion over the Internet. Under section 507 of this bill, individuals who provide family planning information over computer networks could be subject to a 5-year prison term. Even mentioning the word "abortion" could be considered a criminal act in some circumstances. Mr. Speaker, this is clearly unacceptable. That is why I voted against the rule under which this legislation is now being considered.

This bill should be about giving consumers a choice among competing telecommunications providers, not about threatening a woman's right to reproductive choice. This Information Age gag rule, which is likely to be found unconstitutional, has no place in this important legislation and should be eliminated. I am, therefore, extremely pleased that Representative HENRY HYDE, the chairman of the House Judiciary Committee, and Representative NITA LOWEY, chair of the Pro-Choice Task Force of the Congressional Caucus on Women's Issues, have engaged in a colloquy making it absolutely clear that this language was not intended by the drafters of the bill and will be removed from the act as soon as possible. While I am confident that this ban is unconstitutional, I am nevertheless eager to ensure

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that Congress acts quickly to permanently remove this language from the bill.

I am also concerned that S. 652 could infringe upon Americans' constitutional right to free speech by allowing the Government to police the Internet for indecent material. Under this legislation, individuals who disseminate material that the Federal Government believes may violate contemporary community standards of decency could face prison terms. Thus, a librarian could be held liable for putting classic books such as "Catcher in the Rye" and "Ulysses" on line since they include profanity. While we all agree that children must not have access to indecent or pornographic materials, I do not believe that Government regulation of the information superhighway is the best way to solve the problem.

That is why I voted for an amendment to the House-passed bill that would have allowed computer users and computer network providers to police the Internet, rather than the Federal Government. This amendment would have prohibited the Federal Communications Commission [FCC] from regulating the Internet and other interactive computer services, but would have encouraged computer network providers to voluntarily screen and prevent the distribution of obscene and other objectionable materials on computer networks. I sincerely hope that Congress will consider legislation later this year to institute this more reasonable approach to protecting children from indecent material.

Mr. Speaker, the time has come to pass a comprehensive telecommunications reform bill. Despite several shortcomings, S. 652 is a balanced bill that will lead to technological advances and provide Americans with a telecommunications network for the 21st century. More importantly, the final bill makes dramatic advances over the earlier version in protecting consumers. I urge my colleagues to vote for this important legislation.

Mr. ORTON. Mr. Speaker, I rise in strong support of S. 652, the Telecommunications Act.

I believe that this is a good bill for my State of Utah, and for the Nation. For years, we have struggled in Congress to rewrite our communications laws to reflect the dynamic changes that have taken place in long distance and local telephone service, cable TV, broadcasting, and the Internet. Passage today and likely enactment into law in the near future represents a tremendous bipartisan effort.

First, I would like express my support for the strong provisions in this bill which protect rural America. Over the last few months, I have been pleased to work with rural Republicans and Democrats to insist on strong universal service and toll-rate-averaging provisions. Late last year, we sent a letter to conferees expressing our concerns and identifying provisions critical to rural America. Inclusion of such provisions in the final conference report will save the average rural telephone user hundreds of dollars a year.

For example, the House-passed bill contained much weaker universal service provisions than the Senate bill. Universal service is the mechanism which ensures affordable monthly phone rates for rural residents. The Organization for the Protection and Advancement of Small Telephone Companies [OPASTCO] recently conducted a detailed study on the effect of rates in a deregulated environment. This study found that the elimination of universal service in a deregulated environment could increase annual phone rates for rural Utahns by $198 a year. Fortunately, the stronger Senate provision, fully protecting universal service, prevailed.

A similar concern has been raised with respect to toll-rate averaging—both for intrastate and interstate long-distance phone calls. According to the same OPASTCO study, the elimination of toll rate averaging could increase annual long-distance phone bills for rural Utahns by $465 a year. Early House versions of the telecommunications bill did not fully protect intrastate and interstate toll-rate averaging. Fortunately, the bill we are now passing reinstates these important provisions.

Finally, the bill contains a number of other important rural protections and provisions. The one that I am proudest of is the provision which promotes affordable access for schools, libraries, and rural hospitals and health care facilities to the information superhighway. When this bill first came to the House floor, I was very disappointed to see that it contained no such provision. Therefore, I joined with my colleagues, Representatives MORELLA, LOFGREN, and NEY in offering an amendment to include an affordable Internet access requirement comparable to the one contained in the Senate. Through our efforts, we were able to obtain the support of the distinguished chairman of the House Commerce Committee to push for its inclusion in the conference report. With such inclusion, we will be able to make it easier for rural schools and libraries to gain affordable access to the information superhighway to promote distance learning. We will be able to make it easier for rural hospitals to implement telemedicine, an exciting new approach to health care in less populated areas.

So, I believe this is a very good bill for rural Utah and rural America. By unleashing the forces of competition, coupled with prudent protections for those areas and services where full, effective competition may not be possible, we should improve the quality, cost, and availability of telecommunications in rural areas.

Second, I would like to express my strong support for deregulation of the cable TV industry. Three years ago, Congress enacted a misguided bill to regulate cable television prices. The effect of that bill was to create a regulatory nightmare at the FCC, and a curb on the dynamic free market growth of programming. I was in a fairly small minority who opposed that earlier curb on free market cable TV activities. I am pleased to see a majority of both the House and Senate are now admitting that that was a mistake.

Third, with respect to deregulation of local and long-distance phone service, I believe that the final provisions represent a workable and sensible approach. It is certainly our expectation that competition should improve local phone service for consumers.

However, many of us are aware that the transition period from a regulated to a deregulated environment may not be easy. I am pleased to see a stronger review role for the Department of Justice in the conference report, to assure that this transition period does not result in the domination by one provider, to the detriment of competition. As this process unfolds, we in Congress should monitor these national market developments closely to make sure that the promise of true local phone service competition is in fact met.

Finally, I am pleased to see the inclusion in the bill of a V-chip requirement in all new 13-inch and larger television sets. This was not included in the original House bill, but we prevailed in adding this provision by amendment. Increasingly, parents are becoming concerned about the content of television programming. The use of the V-chip gives parents increased control over what their children watch. It is a fair, economical approach to dealing with this problem.

Is this a perfect bill? I don't think there is a Member in this body that is satisfied with each and every provision in it. Can we absolutely predict that the telecommunications changes we are unleashing today will be a complete and total success? Again, no one can really know with certainty. However, this legislation is a balanced, well-thought-out proposal that is long overdue. To wait any longer is to see our laws fall increasingly behind the rapidly moving forces of change that we see in all areas of telecommunications. This is a very good bill that should become law now.

Mr. PORTMAN. Mr. Speaker, I rise today to express my support for the Communications Act of 1995 and, more specifically, provisions in the conference report which preserve the ability of local authorities to protect their rights-of-way and public property.

As you may recall, 1 year ago, I stood before this body to ask for your support in passing H.R. 5, the Unfunded Mandates Act of 1995, in order to bring a new level of accountability to the Federal Government. This legislation, the principal provisions of which took effect on January 1, 1996, forces Congress to end the increasing practice of imposing crippling mandates on States and local governments without regard for their costs. Now the Federal Government must work cooperatively with State and local governments to avoid new mandates.

Today, the Unfunded Mandates Reform Act of 1995 passed its first real test, the Communications Act of 1995. Thanks to local governments, the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, and the Congressional Budget Office, all of whom assisted in identifying legitimate concerns about potential unfunded mandates in this bill, we were prepared to raise points of order on the floor to stop the mandates.

The Commerce Committee has worked with us, representatives of the State and local governments and other interested parties to avoid potential unfunded mandates and protect local control over public property and rights-of-way. We secured language that ensured local governments retained their control over rights-of-way. The language included in the Communications Act now adequately addresses the key concerns that have been raised by State and local governments about potential unfunded mandates. As proponents of unfunded mandates reform and protecting local control over rights-of-way, we were pleased to see this result.

I would like to express my gratitude to my mandates counterpart and original cosponsor on the other side of the aisle, Representative CONDIT, for his assistance as well as Representative JOE BARTON, and Representative BART STUPAK, true champions of State and local rights.

Mr. Speaker, unfunded mandates reform is a reality and I look forward to working with all

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my colleagues committed to reflecting the concerns of State and local governments in Federal legislation.

Ms. PELOSI. Mr. Speaker, while I support many of the provisions in this conference report, I have serious concerns about computer censorship provisions included in the telecommunications agreement. In response to a strong lobby by the Christian Coalition, conferees voted 17–16 to include a provision which would make it a felony to put indecent material on a computer where a person under 18 can get it. Because indecent has not been defined by the Congress or the courts, the potential for abuse is great.

I do not believe the Federal Government should be involved in using a very loosely defined to test to judge communications between individuals. It is wrong to have the Christian Coalition judge what is appropriate speech on the Internet or anywhere else.

I am particularly concerned about the potential impact of this provision on HIV-prevention programs. The indecent provision has the potential to ban explicit HIV-prevention materials from the Internet.

The Internet has great potential as a tool in HIV prevention. It has the potential to provide accurate information that could be used by young people to protect themselves from HIV and other sexually transmitted diseases. According to the Centers for Disease Control and Prevention [CDC], other than abstinence, the most effective way to prevent HIV transmission is the consistent and proper use of condoms.

Organizations currently provide detailed information on the proper use of condoms. The question remains whether individuals working for these AIDS organizations in California could be arrested and extradited to more conservative parts of the country because this information was obtained by an individual under 18 years of age.

Banning HIV-prevention information does not protect young people. In fact, it can have the opposite effect. This computer censorship provision is wrong and should not be part of this legislation.

I am pleased that this legislation will empower parents by requiring the development of the V-chip. This chip will allow parents to block television programming they do not want their children to see. The V-chip will provide parents with a tool to help in the positive upbringing of their children.

Mr. Speaker, there are provisions of the bill that have a significant affect on cities, including the city of San Francisco. I am pleased that section 253(c) recognizes the historic authority of State and local governments to regulate and require compensation for the use of public rights of way. It further recognizes that States and local governments may apply different management and compensation requirements to different telecommunications providers' to the extent that they make different use of the public rights of way. Section 253(c) also makes clear that section 253(a) is inapplicable to right of way management and compensation requirements so long as those entities that make similar demands on the public rights of way are treated in a competitively neutral and nondiscriminatory manner. As for the issue of FCC preemption, I am pleased that the committee agreed to support the Senate language which authorizes the Commission to preempt the enforcement only of State or local requirements that violate subsection (a) or (b), not (c). The courts, not the Commission, will address disputes under section 253(c).

The overwhelming vote in the House on Representative BARTON and Representative STUPAK's amendment, as well as the unanimous acceptance of Senator GORTON's amendment in the Senate, indicate that the Congress wishes to protect the legitimate authority of local governments to manage and receive compensation for use of the rights of way.

Mr. Speaker, I support the telecommunications reform legislation.

Mr. WATTS of Oklahoma. Mr. Speaker, this is a truly historic day for the American people. We are engaged in a discussion of a bill that fundamentally controls a business that is the fastest growing segment in our economy—telecommunications.

I welcome the opportunity to debate the merits of this ground-breaking legislation. Specifically, I would like to point out my concerns over the definition of facility-based competition. Real competition. To be effective, any market entry test must contain standards that clearly define the presence of local competition. Real competition will occur only when there are facilities-based companies serving many customers in major markets throughout the State of Oklahoma.

As rules that define facilities-based competition are developed and implemented, I expect those charged with that responsibility to make certain: There are periodic studies of the degree of actual competition in local exchange markets to determine whether the incumbent exchanges' market power has been constrained enough to relax some of the regulations intended to safeguard against the abuse of market power; all local exchange service providers provide service to all customers who request service, provide line-side interconnection and unbundling of the local loop into its functional sub-elements—feeder and distribution, obey the equal rules that are in place, cap prices for exchange access services and reciprocal termination at the rates charged by the incumbent exchanges, and allow full resale of all service offerings.

I thank the Speaker for the opportunity to add my concerns to this debate. I will not oppose this report and hope its passage results in quantum improvements to telecommunications access and a better standard of living for the American people.

Mr. BUYER. Mr. Speaker, I rise in strong support of the conference report on S. 652, the Telecommunications Act of 1996. This report represents one of the most monumental, deregulatory, and sweeping legislation ever considered in the history of Congress. I commend my colleagues, Senators PRESSLER and HOLLINGS, and Congressmen BLILEY, HYDE, FIELDS, and DINGELL for their relentless efforts to produce such unprecedented policy in a balanced and thoughtful manner. I consider it a great privilege to have been a member of this conference committee which took upon the task of examining every aspect of the converging telecommunications industry.

Mr. Speaker, this is a historic moment. Today, with passage of this legislation, this Congress is breaking the shackles of repressive government regulations. It is forging a new era where consumer choice, technological development, innovation, and competition control the marketplace, while we keep a watchful eye upon monopoly power.

This legislation marks only the second time the Government has addressed telecommunications policy. The Communications Act of 1934, representing the first time, was enacted when our Nation was highly dependent upon telegraph, and believed radio and telephone technology to be luxuries. Frankly, the Communications Act has governed telecommunications policy for far too long. Readily available and highly used technologies of today, such as digital overt analog transmission, cellular and wireless technology, as well as digital compression and interactive data transmission were not even within the realm of imagination of society in 1934.

I am here today to acknowledge that over the past several months I have had the opportunity to observe and examine advanced technologies which are not yet available to consumers. That is why I will be the first to admit that it would be impossible for us to predict what technologies and their applications will be available next year. This legislation was crafted fully aware of the fact and the stranglehold the Government was placing upon its development. I firmly believe that this legislation will unleash such competitive forces and innovation that our Nation will see more technological development and deployment in the next 5 years than we have already seen in this century. With that technological development will come hundreds of thousands of new jobs and tens of billions of private industry dollars being invested in infrastructure and technology in an explosive, yet steady, manner.

This landmark legislation is predicated upon two things: competition and the consumer. Our society is founded on the belief that competition produces new technologies, new applications for those technologies, and new services, all at a lower cost to the consumer. S. 652 puts the consumer in control. Cable companies, local telephone companies, long-distance companies, broadcast stations, wireless providers, utility companies, among many others, will all be competing for the consumer's business, offering new technologies, better services, and more choices at a lower cost.

Much of my support for this legislation is based on not only the consumer benefits gained through lower costs and better services, but through the access and availability to services and technologies in rural areas such as the Fifth Congressional District of Indiana. The impact of this nationwide network and universal access in rural areas will be revolutionary. We're not talking about just making sure small communities have cable services and can order a pizza from their television sets. This legislation will bring the world's leading heart surgeon into the surgery room at Jasper County Hospital and other rural hospitals. It will allow hog farmers in rural Carroll County to access the latest veterinary research to diagnose their herd's disease. Classrooms in Cass County can have access to the libraries of Oxford University. We will be bringing precision farming technology to Benton County, IN, through the use of global positioning satellites.

All of these extraordinary services and benefits are being obtained by ending the strangle hold of Government on the telecommunications industry. I truly believe that the Telecommunications Act of 1996 represents one of the greatest proconsumer, job creation, and infrastructure investment bill ever considered

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by Congress. I fully support this measure and urge my colleagues to do the same.

Mr. GOODLATTE. Mr. Speaker, I would like to address the concerns raised by some over the language in the bill protecting minors from indecent communications over the Internet.

At a meeting of House conferees I offered the compromise language replacing a harmful-to-minors standard with indecency and it was adopted as the House proffer on cyberporn.

I am appalled by the unjustified hue and cry that this indecency provision will chill free speech and is therefore unconstitutional. This indecency standard has survived First Amendment scrutiny by the U.S. Supreme Court as applied in a wide variety of circumstances. In *FCC v. Pacifica Foundation* (1978) the Supreme Court held that the broadcast of indecent material could be banned during hours when children were likely to be viewers or listeners. In stating why broadcast indecency could be restricted Justice Steven who delivered the opinion pointed to the facts that broadcasts 'extend into the privacy of the home and is uniquely accessible to children. The Internet is very similar to the broadcast medium in those respects—it extends into the privacy of the home and it is uniquely accessible to children.

Some have even claimed that an indecency standard will keep great literary works such as "Catcher in the Rye" off the Internet. I strongly disagree and I believe that the definition of indecency, which is very narrow, makes this clear. The exact definition of indecency is "any material that in context depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs."

The context of the material cannot be disregarded when making a determination of indecency. Therefore, if someone transmits the entire novel "Catcher in the Rye" they would not be violating an indecency standard, but if they transmit only certain passages out of context they might. Indecency is not an inherent attribute of words or pictures, but rather a matter of context and conduct. In addition, it must be evaluated by prevailing community standards, not the views of just a few individuals.

We need to maintain a high standard when it comes to protecting children from exposure to pornography. The indecency provision in this legislation is right on target. It will keep smut away from children and protect on-line services or information providers who make a good-faith effort to keep indecent material away from children.

In addition, a very important factor cannot be overlooked—the battle over cyberporn threatened to completely throw the progression of telecommunications legislation off track. By bringing the House proffer on cyberporn closer to that contained in the Senate bill, my compromise prevented conferees from getting bogged down in this debate and allowed today's debate to come to pass.

REGARDING SECTION 271(D)(2)(A) (CONSULTATION WITH THE ATTORNEY GENERAL)

The conference agreement provides that the FCC must notify the Attorney General promptly when an application is filed by a Bell operating company for in-region interLATA relief. Before making its determination on the merits of the application, the FCC must consult with the Attorney General. In this regard, the Attorney General may submit an evaluation to the FCC using any antitrust standard that the Attorney General believes the FCC should consider in assessing the application. This requirement recognizes the special expertise of the Attorney General in antitrust and competitive matters.

However, this paragraph expressly provides that the Attorney General's evaluation does not have a preclusive effect on the FCC. In other words, the FCC is not required to adopt or even agree with that evaluation or with the conclusions of the Attorney General. While the FCC must give the Attorney General's evaluation substantial weight, it is not required to follow the Attorney General's views. Moreover, the FCC is free to give substantial weight—indeed greater weight if justified by the proffer—to the evidence offered by the applicant, Bell operating company. This is also true both of the conclusions and the recommendations concerning public interest, convenience and necessity or concerning competitive issues.

This provision is also not intended to give the views of the Attorney General any special weight or entitle them to any special deference upon judicial review of an FCC decision under this subsection. The critical determination under this subsection is the FCC's determination whether the Bell operating company has met the requirements of the Act. The courts will accord that FCC determination "full *Chevron* deference" as provided for in *Chevron* v. *National Resources Defense Council*, 467 U.S. 837 (1984).

Mr. UNDERWOOD. Mr. Speaker, I rise today to commend the conferees for their work on this important legislation which will shepherd in a new era of technological advancement and opportunity for all Americans. My focus on this telecommunications legislation has been on ensuring that Guam has the same access to telecommunications technology and advances in the information superhighway as other U.S. citizens.

In this regard, the universal service provision is an important statement of principle. It ensures that consumers in all regions of the Nation, including insular areas, should have access to telecommunications and information services and at rates that are reasonably comparable to rates charged for similar services in Urban area.

When the universal service provision was first drafted, it neglected to mention whether or not it applied to insular areas. After I brought this oversight to the attention of Chairman Pressler on the Senate Commerce, Science and Transportation Committee, he acknowledged that the addition of "insular" in the universal service section was an important clarification and agreed to clarify this definition.

The addition of the universal service provision is an important statement of principle at a time when Guam and the Commonwealth of the Northern Mariana Islands [CNMI] are pursuing inclusion in the North American Numbering Plan [NANP]. NANP inclusion would help to overcome both domestic and international misconceptions about the political status of Guam and the CNMI, ensure that the U.S. citizens on these islands have the same opportunities as all other Americans and improve access to the information superhighway. The inclusion of "insular" in the universal service section reinforces the need to include Guam and the CNMI in the NANP.

Again, I want to thank the conferees for their attention to this important clarification and for their inclusion of the universal service provision in the final legislation.

Mr. LARGENT. Mr. Speaker, I want to comment both Chairman BLILEY and Chairman FIELDS for the leadership they have shown, as well as the diligence and perseverance exhibited in shepherding this long overdue telecommunications bill through the legislative process. This conference report represents the first major overhaul of the communications industry in the last 60 years. This historic legislation reduces the Federal regulatory burden on the communications industry, and as a consequence of more competition and less regulation, American consumers should benefit from a greater choice of telecommunications services with lower prices and higher quality than is presently available.

Currently, consumers of many telecommunication services in America do not benefit from the innovation of new services and constant pressure for lower prices that characterize competitive markets. For example, providers of local telephone services are currently protected from direct competition by a complex web of Federal, State, and local laws. This legislation, if it remains true to its intent, will cut through that inertia and allow competitors to offer local telephone services. We have already seen what real competition has done to long distance rates—I can only hope the same is true for local rates.

This historic act has the potential to be the largest job creation bill in a decade. It is estimated that it will lead to $30 to $50 billion in consumer and business benefits and will hasten America's entry into the information age. The Telecommunications Act will unleash American ingenuity and free American entrepreneurs to bring innovative, exciting new products and services to market. It's about time that technological advances will be tested in the marketplace, and not in Washington or the Federal courts.

Mr. GILCHREST. Mr. Speaker, I rise in support of the conference agreement, and I request permission to revise and extend my remarks.

Mr. Speaker, unless I miss my guess, the bill before us will probably be the most historically important piece of legislation this Congress will consider. The telecommunications industry is growing rapidly in size and significance, primarily because telecommunication is about information and information is the future.

The law currently governing telecommunications, the Communications Act of 1934, was written for the era of radio, and while it has been amended several times since, it still maintains an outdated regulatory structure designed for an era where sources of information were scarce. But technology has blurred the lines among telephone, television, computer, and newspaper, to the point where all three can potentially be the same thing.

And with the advent of the information age, we need to recognize the need for competition among information media so that the free marketplace of ideas can be communicated through a free marketplace of information outlets. This bill seeks to exploit the market's ability to maximize quality, maximize consumer choice, and minimize prices.

Mr. Speaker, I supported the Contract With America. But years after the the contract is a footnote in history, the significance of this law will still be obvious, for this is Congress' most important step ever toward embracing the information era. And through this legislation, we

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embrace it with the freedom and efficiency that only the free market can provide. I urge my colleagues to support this bill.

Mr. BORSKI. Mr. Speaker, I rise today to speak about S. 652 to ensure that its provisions are implemented in a manner that ensures fair competition in the telecommunications marketplace.

A major objective of S. 652, the Telecommunications Act of 1996, is the creation and maintenance of competition in local markets. Since States will play a key role in implementing this Federal legislation, it is vital that they act consistently with this Federal aim.

More specifically, section 253 of S. 652 provides that States and local governments shall not impose any requirement that prohibits or has the effect of prohibiting the ability of any entity to provide telecommunications services, and permits the FCC to preempt any actions that violate or are inconsistent with this policy. Because new entry is a fundamental of competition, it is most important that the FCC act expeditiously on any complaint that alleges a violation of this provision. Further, the Commission must ensure that any State or local requirement fully conforms to the act's standard.

I want to assure all my colleagues that I will closely follow the FCC's implementation of this provision to ensure it meets the spirit of this new law.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the conference report on S. 652, although I do not do so without reservation.

As this legislation was being worked out, many of the concerns I had were dealt with in a positive manner. Agreements have been reached which give my home of Dallas needed language regarding rights-of-way, a matter of concern to me throughout the negotiation process regarding telecommunications reform.

Additionally, I have had some concern about the possibility of the regional Bell operating companies using this legislation as a basis to engage in massive downsizing. Although I realize that some change in the operations of these companies is inevitable, I have been most interested in protecting valuable jobs in my district. Because of assurances that I have received concerning the position of Southwestern Bell with respect to these jobs, I am pleased to add my support, and my vote, to pass this historic legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I must rise to express my views on this important piece of legislation, the Telecommunications Act of 1995. This is a comprehensive bill that will allow us to enter into the technological revolution of the 21st century.

I am pleased with many provisions of the bill. For example, I believe that it is important that the Justice Department has a strong role in advising the Federal Communications Commission on whether competition exists in local markets. I would like to have seen a stronger role; however, the FCC must give the Justice Department's views substantial weight, which is a recognition of the Department's strong history and expertise in antitrust matters. The original versions of the bill would have given little or no role for the Justice Department.

The bill also allows the telephone companies to enter the long-distance market as soon as there is actual competition in the local market. The Bell companies are also required to open up their networks to local competitors. The bill raises the limit on radio or television stations that an individual or ownership group may own. The limit, however, is reasonable and not as large as the original House version.

Furthermore, the bill creates a telecommunications development fund that is designed to facilitate participation by small businesses in the industry. I hope that the officials that manage the telecommunications fund will utilize this opportunity to develop strong outreach measures toward minority- and women-owned businesses that have been underrepresented in the telecommunications industry.

Another positive aspect to the bill is the universal service provisions that make sure that this telecommunications revolution leaves no one behind. There are strong provisions relating to access to residents in rural areas, access by schools and libraries, and access to individuals with disabilities.

The provisions relating to the requirement that the larger television sets contain v-chip technology is extremely important as we transmit moral and cultural values to America's children. This V-chip technology will allow parents to block out certain programs that they find objectionable. Moreover, the FCC will be required to formulate some rating guidelines that can assist parents with respect to television programs.

As with any bill, I do not agree with all of the provisions. I am concerned about the deregulation of cable rates by March 1999. Many of us can cite incidents in which cable companies have been slow in providing quality service at a reasonable price. I hope that the FCC will encourage the cable companies to continue to develop ways to improve the quality of cable service and to work with local municipalities to insure fair treatment for cities and counties.

I am also concerned about some of the provisions relating to obscenity. Some of these provisions may need to be clarified in a technical corrections bill. For example, we would not want to prevent a physician from discussing an abortion procedure on the Internet. I believe additionally, that the question of auctioning the spectrum needs further review.

Mr. Speaker, I believe that for the most part, this bill is a good bill. It will be good for the telecommunications industry, good for consumers, and good for the country. It has been a major struggle to get this bill to the floor. Many Members have been working on some form of this bill for the last 3 years.

We may go forward today, however it should not be without a commitment to revisit this legislation to make this bill a better bill.

Mr. COSTELLO. Mr. Speaker, I rise today in support of the conference report on the telecommunications reform bill.

I originally opposed the measure when it came before the House last August because I felt the manager's amendment weakened the standards to promote effective competition and provide fair, reasonable rates for consumers. I am pleased that the conference report includes a reasonable checklist of requirements and requires that a FCC public interest test be met before applying for long distance entry.

I commend the committee and its leadership as well for including language urging the FCC to give substantial weight to the views of the U.S. Justice Department in determining Bell entry into long distance. I feel that judgment from outside the regulating agency is critical to making a fair decision that is in the best interest of the individual market served.

One of the main reasons I voted against the bill last summer was the way in which it would have weakened consumer power in keeping cable rates in check. It has taken several years to effectively implement the Cable Act of 1992, legislation which has worked in many ways to keep cable rates from skyrocketing. I did not want to see Congress's proconsumer efforts weakened. I am pleased that the conference report, while not perfect in this area, has made better strides than the original House bill toward keeping consumer protections in regard to cable prices and rates.

I am pleased that the conference committee retained the House position on installation of the V-chip on all 13-inch and larger television sets. The average American child watches an estimated 27 hours of television per week, and one study estimates that before finishing elementary school a child will watch over 8,000 murders and 10,000 acts of violence on television. The inclusion of a V-chip will give parents an additional safeguard to protect children from objectionable or quesestionable programming.

This is the most comprehensive communications bill since the 1930's. As we move toward the 21st century, the ability to communicate in a rapid, cost-effective manner will continue to be important to all Americans. I am pleased that working together we have achieved a framework, while not perfect, that will serve to guide our communication policy both now and in the future.

Mrs. COLLINS of Illinois. Mr. Speaker, I would like to commend Chairman FIELDS along with the distinguished gentleman from Massachusetts [Mr. MARKEY], and the Telecommunications and Finance staff for the hard work and long hours you've all spent crafting this legislation and moving it expeditiously to the floor today. Your earnest efforts have resulted in an agreement that, while certainly not flawless, will begin to pave the roads of the information superhighway with increased competition and assist in promoting greater economic opportunities for more Americans as we head into the 21st century.

Back in August 1995, I voted against H.R. 1555 because of numerous concerns I had with the bill particularly in the areas of cable rate deregulation and mass media ownership concentration. I am now convinced that, due to significant bipartisan cooperation on these matters, many of my concerns have been addressed sufficiently enough that I will support the conference report we have before us.

With respect to cable, this conference report modifies original language in H.R. 1555 that would have gutted the 1992 Cale Act by lifting cable rate regulation on the most popular cable programming 15 months after enactment of the bill for the largest operators, regardless of the competitive nature of their markets. After prolonged discussions, conferees agreed to redraft this section of the bill to ensure that true competition exists prior to deregulation of today's heavily monopolistic cable markets. By 1999 rate requirements will be lifted for all cable systems across the country.

This is an important compromise Mr. Speaker. According to the General Accounting Office, blanket deregulation of the cable industry prior to effective competition in 1984 resulted in a monumental rise in cable rates at three

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times the rate of inflation. Given the fact that, today, effective competition exists in less than one-half of 1 percent of all cable systems nationwide and affordable cable TV alternatives for 99.5 percent of consumers from phone companies or satellite providers is not yet fully feasible, swiftly opening up these markets as provided in the original bill would only have spurred price gouging against consumers.

Also, the conference report's provisions on mass media ownership are much more reasonable than the extreme language in last August's bill. That language would have virtually guaranteed that power would have been concentrated among a select few communications megacorporations, sacrificing the key tenets of communications policy—community control and variety of viewpoints. That legislation repealed all ownership limits on radio stations, allowed one network to control programming reaching 50 percent of all households nationwide, gave one major communications entity the ability to own newspapers, cable systems, and television stations in a single town. This type of excessive media control is not a healthy prescription for competition.

Thankfully, these provisions were altered by lowering to 35 the percentage of all national television viewers that one network's programming could reach. In addition, this conference report keeps intact current restrictions that prevent one media giant from owning two television stations in one locality or owning newspapers in combination with ration stations, cable holdings, or TV interests in the same market.

However, I am most pleased about certain provisions designed to assist our Nation's smallest telecommunications providers which are included in this conference report.

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

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

Several of the provisions included in this bill will begin the process of eradicating these inequities.

I am very pleased to see that Representative RUSH's amendment to help to advance diversity of ownership in the telecommunications marketplace, which is similar to a provision I included in last year's telecommunications legislation, was retained in conference. It requires the Federal Communications Commission to identify and work to eliminate barriers to market entry that continue to constrain all small businesses, including minority and women-owned firms, in their attempts to take part in all telecommunications industries. Underlying this amendment is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace.

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

Finally, antiredlining provisions that prohibit all telecommunications providers from discriminating against individuals and communities on the basis of race, gender, creed, and so forth address a genuine concern of mine that the information superhighway must not be allowed to bypass those groups most in need of its benefits.

For all these reasons, Mr. Speaker, I urge my colleagues to vote in favor of this conference report.

Mr. POSHARD. Mr. Speaker, I voted against H.R. 1555, the House-passed Telecommunications reform bill, in August. I believe the conference report before us today is a much improved piece of legislation that deserves our support.

This bill contains the important V-chip technology that will allow parents to control what programs are viewed by their children. This parental control device will be of great benefit as consumer access to a seemingless endless number of new television channels enter the market place.

I believe this conference report has addressed in a fair manner the issue of cable deregulation. I represent a rural district and was greatly concerned about the negative impacts H.R. 1555 would have had on cable consumers I represent. I understand the importance of free and open markets, but in rural America competition if often slow in coming. The conference report before us today ensures consumer protection until real and meaning cable competition exists.

The telecommunications reform conference report before us today is not a perfect bill, but it is a very good bill. This legislation allows for true competition among local and long distance phone companies, protects cable consumers, and provides needed measures that make it illegal to intentionally communicate obscene materials over a computer network.

Mr. Speaker, we hear a lot about America being ready to embark on the information superhighway. This bill allow us to do that. Last week during the President's State of the Union address he referenced the importance of this legislation. I am proud that members on both sides of the aisle have worked together to produce a bill that is truly bipartisan. I commend the work of Chairman BLILEY, Mr. DINGELL, and the other members of the conference committee for working together to produce this historic legislation. I urge my colleagues to join with me in supporting this bill.

Mr. UPTON. Mr. Speaker: I would like to express my support for S. 652, the Telecommunications Act conference report, as I believe it is an important step forward in the development of our telecommunications policy. The issues we are discussing today—involving local and long distance phones service, cable TV, cellular phones, and more—will truly touch the lives of all Americans. As a member of the Commerce Committee which drafted and approved this bill last year, I'm pleased that we are finally on the verge of seeing this legislation enacted.

The national telecommunications network will play a very central role as we prepare to enter the 21st century. Throughout Michigan and the entire Nation, we must prepare ourselves to take advantage of the latest technology and do our best to see that there are no potholes on the information superhighway.

There are many important issues in the bill before us today. Let me just take a moment to take note of an issue of particular concern to the people of southwest Michigan—local marketing agreements, also known as LMA's.

A very successful LMA is in existence between two stations in western Michigan, WOOD–TV in Grand Rapids and WOTV in Battle Creek. In 1991, WOTV has suffered millions of dollars of losses and was forced to terminate their news operation and layoff many employees while they searched for a buyer.

In late 1991, WOTV was able to enter into an LMA and bring the station back to financial stability. They now have a fully staffed news department dedicated to bringing local news to their viewers. Additionally, they are very active in community affairs such as events at Western Michigan University and the Kalamazoo Air Show.

I am fully in support of efforts to allow for the continuation of LMA's in the future and I'm pleased that these provisions are part of S. 652.

I believe that under this bill, we are preparing our nation for the wave of the future and leading the world into the 21st century.

Mr. CASTLE. Mr. Speaker, this legislation represents the first comprehensive overhaul of our Nation's communications policy since 1934. Telecommunications technology has advanced beyond the wildest dreams of the visionaries of 1934, and yet the regulatory structure has remained unchanged. The present regulatory structure restricts competition in telecommunications markets and industries, thus stifling innovation, raising costs, and delaying the introduction of new products and services to consumers. Government regulators, rather than consumers, determine which companies can offer which services, and, in some cases, at what price. This bill will unshackle the telecommunications industry from the tenacious grasp of Federal, State, and local regulations, thus unleashing a broad array of new telecommunications services at lower costs.

This profoundly important and far-reaching legislation recognizes the legacy of decades of regulation, and thus does not simply eliminate all regulations overnight for a brutal battle in the marketplace. While on first examination this may appear to make sense, the present regulatory structure has positioned some industries to do remarkably well under such a scenario, while others would find themselves severely handicapped. Thus, immediate and total deregulation could possibly inhibit competition rather than encourage it. Instead, the legislation has sought to ensure that different industries will be competing on a level playing field.

This legislation is the product of years of analysis and negotiation, and is a fair and realistic bill which promotes and encourages competition in cable and telephony markets. In

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Delaware, for example, the local phone company will be able to offer consumers long distance services and other telecommunications products. The local phone company, however, will no longer operate as a monopoly, and will face competition from other companies. For the first time Delawareans will have a choice of telecommunications providers, and as companies compete for their business, they will reap significant benefits.

I also support provisions that would ensure our Nation's schools and libraries have affordable access to educational telecommunications services. Schools can use telecommunications to ensure that all students, regardless of economic status, have access to the same rich learning resources. Libraries can ensure that every community has a publicly accessible means of electronic access to support classroom instruction, to communicate with the world-wide library community, to facilitate small business development, to access employment listings and Government databases, among other uses. It is in the Nation's best interest to ensure that all schools and libraries, even those in rural areas, are active participants in the Information Age.

The impact of this legislation, of course, extends far beyond the borders of Delaware. Everyone, from an elementary school child exploring the world beyond his or her local community, to an elderly person benefiting from the expert advice of a physician 1000 miles away via Telemedicine, to a business seeking to become more efficient, to a parent wishing to telecommute to work, to a couch potato channel surfing through 500 channels, to an innovative entrepreneur seeking to provide new telecommunications services—everyone stands to benefit enormously from this legislation. Consequently, I give it my strong support and urge my colleagues to do the same.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of the landmark legislation which we are considering today. S. 652 is the culmination of years of work to overhaul Federal telecommunications policy and position America as a world leader in the dawning information age.

While this bill contains many important provisions, I want to address one area in particular—the issue of "Telemedicine." As chairman of the Commerce Health Subcommittee, I have a special interest in this subject.

Although it is subject to different interpretations, the term "Telemedicine" generally refers to live, interactive audiovisual communication between physician and patient or between two physicians. Telemedicine can facilitate consultation between physicians and serve as a method of health care delivery in which physicians examine patients through the use of advanced telecommunications technology.

One of the most important uses of Telemedicine is to allow rural communities and other medically under-served areas to obtain access to highly-trained medical specialists. It also provides access to medical care in circumstances when possibilities for travel are limited or unavailable.

Despite widespread support for Telemedicine in concept, many critical policy questions remain unresolved. At the same time, the Federal Government is currently spending millions of dollars on Telemedicine demonstration projects with little or no congressional oversight. In particular, the Departments of Commerce and Health and Human Service have provided sizable grants for projects in a number of States.

Therefore, I drafted a provision which is included in the conference report to require the Department of Commerce, in consultation with other appropriate agencies, to report annually to Congress on the findings of any studies and demonstrations on Telemedicine which are funded by the Federal Government.

My provision is designed to provide greater information for Federal policymakers in the areas of patient safety, quality of services, and other legal, medical and economic issues related to Telemedicine. With the enactment of this provision, I am hopeful that we can shed light on the potential benefits of Telemedicine, as well as existing roadblocks to its use.

I urge my colleagues to support the conference report to S. 652, this legislation will prove critical in defining our Nation's leadership role and economic viability in the 21st century.

Mr. TAUZIN. Mr. Speaker, as the principal author of section 365 of the conference report, I rise to amplify the limited description of this provision in the statement of managers. In essence, this provision will permit a large ocean-going American-flag vessel operating in accordance with the Global Maritime Distress and Safety System [GMDSS] of the SOLAS Convention to sail without a radio telegraphy station operated by a radio officer or operator.

In implementing this section, the Coast Guard can rely on the Federal Communications Commission to determine that a large-ocean going vessel has GMDSS equipment installed and operating in good working condition. We do not contemplate the Coast Guard conducting a rulemaking, public hearings, or other lengthy regulatory process. Rather, we contemplate a simple adaptation of current, well-established Commission certification procedures.

Under section 359 of current law, the Federal Communications Commission is authorized to issue a certificate of compliance to the operator of a vessel demonstrating that the vessel is in full compliance with the radio provisions of the SOLAS Convention. By law, this certificate must be carried on board the vessel at all times the ship is in use. Thus, once a vessel operator has installed the necessary GMDSS equipment and demonstrated to the satisfaction of the Commission that the equipment is operating in good working condition, the operator will obtain a new or modified certificate of compliance from the Commission. By confirming that a vessel has on board such a valid certificate, the Cost Guard would fulfill its responsibilities under section 365.

Let me emphasize, as well, that this provision does not alter the Commission's manning or maintenance requirements in any respect. Vessel operators, for example, will continue to be able to adopt two of the three permitted maintenance options: on-shore maintenance and equipment duplication.

For too long, American-flag vessels have been saddled with the antiquated telegraphy station requirements of the 1934 act. Through our action today, we hope to help American-flag operators become more internationally competitive and to speed the introduction of the satellite-based GMDSS technology.

Mr. SENSENBRENNER. Mr. Speaker, I support the conference report before the House today. I am hopeful this legislation will ensure that our telecommunications markets remain the most competitive in the world. The Justice Department's role in the success of the legislation before us is critical. For over a decade, the Justice Department has fostered competition in these markets and the bill requires that the Federal Communications Commission, as part of its interest review, will give "substantial weight" to the Justice Department's evaluation of a Bell Operating Company's application for entry into long distance.

The role included in this bill for the Department of Justice is truly essential to the ultimate success of this bill. In particular, the bill requires the FCC to rely on the Department's expertise to assess the overall competitive impact of the RBOCs entry into long distance. Clearly, there are other public interest factors which are entitled to their proper weight, and the FCC's reliance on the Justice Department is limited to antitrust related matters. In those instances when the cumulative effect of all other factors clearly and significantly outweighs the Justice Department's competitiveness concerns, the FCC should not be precluded from acting accordingly. However, I expect the FCC will not take actions that, in the Justice Department's view, would be harmful to competition.

Second, I strongly opposed a provision included in the House passed bill that would have allowed the Federal Communications Commission [FCC] to issue rules that would preempt local zoning on where to site cellular communications towers. Cellular communications companies would have been allowed to place towers in any location, regardless of *local concerns and the actions of local city* councils and planning commissions, provided that they had obtained approval from an FCC bureaucrat in Washington. It is estimated 100,000 towers will be sited across the country by the year 2000. I have consistently supported *the rights of local governments to de*cide zoning questions and I opposed this bill because it dramatically infringed on the rights of local government with respect to zoning. I am pleased a compromise has been reached on this issue and the FCC will be prevented from infringing on the rights of local and State land use decisions. The authority of State and local governments over zoning and land use matters is absolutely essential and must be preserved.

I congratulate Chairmen HYDE, BLILEY, and FIELDS for their tireless work on this historic legislation.

Mr. HOLDEN. Mr. Speaker, the Telecommunications Act of 1996 furthers the vital local telecommunications competition goal by prohibiting States and local governments from erecting barriers to new entrants providing service. This is an excellent provision, but, because it is a general mandate, there may be creative attempts to get around it. At the very least, such attempts to skirt the law would result in lengthy litigation, which would slow investment and competition. It is for that reason that I would like to spell out in more detail the types of requirements that State and local governments should not be able to impose: A State or local government should not be able to require that any provider:

Demonstrate that its provision of service would not harm the competitive position of any current or future providers of service, would be beneficial to consumers, or would not affect universal service;

Show that its provision of service would not harm the network of any provider, other than

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agreeing to abide by uniform technical requirements;

Agree to provide service in, or build out, all or any parts of a franchise territory;

Show financial capabilities not relevant to the service to be provided and not required of other providers;

Limit its offering of service until another provider obtains regulatory relief, that is, withhold offering a service until the incumbent provider receives pricing flexibility.

I hope this list proves useful to State and local governments in their efforts to implement this new law and to the FCC in its oversight of this provision.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 16, not voting 4, as follows:

[Roll No. 25]

AYES—414

Ackerman	Castle	Engel
Allard	Chabot	English
Andrews	Chambliss	Ensign
Archer	Chenoweth	Eshoo
Armey	Christensen	Everett
Bachus	Chrysler	Ewing
Baesler	Clay	Farr
Baker (CA)	Clayton	Fattah
Baker (LA)	Clement	Fawell
Baldacci	Clinger	Fazio
Ballenger	Clyburn	Fields (LA)
Barcia	Coble	Fields (TX)
Barr	Coburn	Flake
Barrett (NE)	Coleman	Flanagan
Barrett (WI)	Collins (GA)	Foglietta
Bartlett	Collins (IL)	Foley
Barton	Collins (MI)	Forbes
Bass	Combest	Ford
Bateman	Condit	Fowler
Becerra	Cooley	Fox
Bellenson	Costello	Franks (CT)
Bentsen	Cox	Franks (NJ)
Bereuter	Coyne	Frelinghuysen
Berman	Cramer	Frisa
Bevill	Crane	Frost
Bilbray	Crapo	Funderburk
Bilirakis	Cremeans	Furse
Bishop	Cubin	Gallegly
Bliley	Cunningham	Ganske
Blute	Danner	Gejdenson
Boehlert	Davis	Gekas
Boehner	de la Garza	Gephardt
Bonilla	Deal	Geren
Bonior	DeLauro	Gibbons
Bono	DeLay	Gilchrest
Borski	Dellums	Gillmor
Boucher	Deutsch	Gilman
Brewster	Diaz-Balart	Gingrich
Browder	Dickey	Gonzalez
Brown (CA)	Dicks	Goodlatte
Brown (FL)	Dingell	Goodling
Brown (OH)	Dixon	Gordon
Brownback	Doggett	Goss
Bryant (TN)	Dooley	Graham
Bunn	Doolittle	Green
Bunning	Dornan	Greenwood
Burr	Doyle	Gunderson
Burton	Dreier	Gutierrez
Buyer	Duncan	Gutknecht
Callahan	Dunn	Hall (OH)
Calvert	Durbin	Hall (TX)
Camp	Edwards	Hamilton
Campbell	Ehlers	Hancock
Canady	Ehrlich	Hansen
Cardin	Emerson	Harman
Hastert	McDade	Sawyer
Hastings (FL)	McDermott	Saxton
Hastings (WA)	McHale	Scarborough
Hayes	McHugh	Schaefer
Hayworth	McInnis	Schiff
Hefley	McIntosh	Schumer
Hefner	McKeon	Scott
Heineman	McKinney	Seastrand
Herger	McNulty	Sensenbrenner
Hilleary	Meehan	Serrano
Hobson	Meek	Shadegg
Hoekstra	Menendez	Shaw
Hoke	Metcalf	Shays
Holden	Meyers	Shuster
Horn	Mfume	Sisisky
Hostettler	Mica	Skaggs
Houghton	Miller (CA)	Skeen
Hoyer	Miller (FL)	Skelton
Hunter	Minge	Slaughter
Hutchinson	Mink	Smith (MI)
Hyde	Moakley	Smith (NJ)
Inglis	Mollinari	Smith (TX)
Istook	Mollohan	Smith (WA)
Jackson (IL)	Montgomery	Solomon
Jackson-Lee (TX)	Moorhead	Souder
Jacobs	Moran	Spence
Jefferson	Morella	Spratt
Johnson (CT)	Murtha	Stearns
Johnson, E. B.	Myers	Stenholm
Johnson, Sam	Myrick	Stockman
Johnston	Neal	Stokes
Jones	Nethercutt	Studds
Kanjorski	Neumann	Stump
Kaptur	Ney	Stupak
Kasich	Norwood	Talent
Kelly	Nussle	Tanner
Kennedy (MA)	Oberstar	Tate
Kennedy (RI)	Obey	Tauzin
Kennelly	Olver	Taylor (MS)
Kildee	Ortiz	Taylor (NC)
Kim	Orton	Tejeda
King	Owens	Thomas
Kingston	Oxley	Thompson
Kleczka	Packard	Thornberry
Klink	Pallone	Thornton
Klug	Parker	Thurman
Knollenberg	Pastor	Tiahrt
Kolbe	Paxon	Torkildsen
LaFalce	Payne (NJ)	Torres
LaHood	Payne (VA)	Torricelli
Lantos	Pelosi	Towns
Largent	Peterson (FL)	Traficant
Latham	Petri	Upton
LaTourette	Pickett	Velazquez
Laughlin	Pombo	Vento
Lazio	Pomeroy	Visclosky
Leach	Porter	Vucanovich
Levin	Portman	Waldholtz
Lewis (CA)	Poshard	Walker
Lewis (GA)	Pryce	Walsh
Lewis (KY)	Quillen	Wamp
Lightfoot	Quinn	Ward
Lincoln	Radanovich	Waters
Linder	Rahall	Watt (NC)
Lipinski	Ramstad	Watts (OK)
Livingston	Rangel	Waxman
LoBiondo	Reed	Weldon (FL)
Lofgren	Regula	Weldon (PA)
Longley	Richardson	Weller
Lowey	Riggs	White
Lucas	Rivers	Whitfield
Luther	Roberts	Wicker
Maloney	Roemer	Wilson
Manton	Rogers	Wise
Manzullo	Rohrabacher	Wolf
Markey	Ros-Lehtinen	Woolsey
Martinez	Roth	Wyden
Martini	Roukema	Wynn
Mascara	Roybal-Allard	Young (AK)
Matsui	Royce	Young (FL)
McCarthy	Rush	Zeliff
McCollum	Sabo	Zimmer
McCrery	Salmon	
	Sanford	

NOES—16

Abercrombie	Hinchey	Stark
Conyers	Johnson (SD)	Volkmer
DeFazio	Nadler	Williams
Evans	Peterson (MN)	Yates
Frank (MA)	Sanders	
Hilliard	Schroeder	

NOT VOTING—4

Bryant (TX)	Filner
Chapman	Rose

□ 1623

Mr. MOAKLEY and Mr. YOUNG of Florida changed their vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid of the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2924, THE SOCIAL SECURITY GUARANTEE ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-460) on the resolution (H. Res. 355) providing for the consideration of the bill (H.R. 2924) to guarantee the timely payment of Social Security benefits in March 1996, which was referred to the House Calendar and ordered printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1963.

The SPEAKER pro tempore (Mr. HAYWORTH). Is there objection to the request of the gentlewoman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1963.

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

There was no objection.

PRIVILEGES OF THE HOUSE—PROTECTING THE CREDITWORTHINESS OF THE UNITED STATES GOVERNMENT AND AVOIDING DEFAULT

Mr. GEPHARDT. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House and offer a resolution (H. Res. 356) to protect the creditworthiness of the United States and avoid default of the U.S. Government.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 356

Whereas, the inability of the House to pass an adjustment in the public debt limit unburdened by the unrelated political agenda of either party, an adjustment to maintain the creditworthiness of the United States and to avoid disruption of interest rates and the financial markets brings discredit upon the House;

Whereas, the failure of the House of Representatives to adjust the federal debt limit

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