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run, this Senator likes the concept of freedom to farm, possibly with a cap, because it may be that new crops will be developed. A farmer might well experiment with a totally new crop. Right now with our bureaucratic approach, the Department of Agriculture basically defines what crops are appropriate.

However, I realize legislation is the art of the possible. It appears we will have to reach a compromise. I am very much anxious to be part of that compromise. I look forward to discussing this with my colleagues.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AUCTIONING THE TELECOMMUNICATIONS SPECTRUM

Mr. MCCAIN. Mr. President, I am informed that there is going to be, shortly, a unanimous-consent request to take up the telecommunications bill. I will not object to the unanimous-consent request, nor aspects of it.

I would like to point out that there have been letters exchanged between the members of the Federal Communications Commission and Chairman PRESSLER, chairman of the Committee on Commerce, Science, and Transportation, and also between Republican Members of the other body as well as the majority whip, to Senator DOLE, concerning the issue of spectrum auction, and a letter from Congressmen BLILEY and GINGRICH, Senator PRESSLER and Senator LOTT, to the Honorable Reed Hundt, Chairman of the Federal Communications Commission.

Mr. President, I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, February 1, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN PRESSLER: Thank you very much for your letter this morning about the concerns expressed by Senate Majority Leader Dole and others regarding the distribution of additional spectrum to television broadcasters. We share the determination of you, Senator Dole and others to protect American taxpayers. As you know, under current law and pursuant to the language of the Telecommunications Act of 1996 (should it become law), the Commission lacks authority to auction, or charge broadcasters for the use of, the spectrum that has been identified for the provision of these broadcast services. In addition, given the many administrative steps necessary to implement any assignment of digital broadcast licenses, we would not be in a position to issue those licenses any earlier than 1997.

We recognize the serious policy questions involved, and that you intend to hold hearings and enact legislation dealing with this issue as part of an overhaul of policies governing the electromagnetic spectrum. Any award of initial licenses or construction permits for Advanced Television Services will only be made in compliance with the express intent of Congress and only pursuant to additional legislation it may adopt resolving this issue.

Very truly yours,
REED E. HUNDT, *Chairman*,
JAMES H. QUELLO,
Commissioner,
ANDREW C. BARRETT,
Commissioner,
SUSAN NESS, *Commissioner*,
RACHELLE B. CHONG,
Commissioner.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 31, 1996.

Hon. ROBERT J. DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: We appreciate your leadership on telecommunications reform. Clearly the next step in bolstering America's edge as we enter the Information Age will be to overhaul outdated policies governing the electromagnetic spectrum or airwaves.

We agree that you have raised legitimate concerns that must be addressed, and we share your determination to protect America's taxpayers. To this end we are committed to moving comprehensive legislation this year and plan to be ready for floor action this summer. As part of this reform, we believe it is of the utmost importance to closely examine and question the Federal Communications Commission's proposals to give additional spectrum to television broadcasters. Until action is completed on this legislation, we agree that the FCC should not issue any initial licenses or construction permits for Advance Television Services until Congress sets policy in this area.

The Commission is a creature of Congress and our committees have oversight over its operations. In the attached letter, we inform the Commission of our concerns and have requested that the Commission take no further action until instructed otherwise.

We agree this issue should be subject to full, public scrutiny, and we look forward to working with you to ensure that America's taxpayers are fairly compensated for this precious national resource.

Sincerely,
TOM BLILEY,
LARRY PRESSLER,
NEWT GINGRICH,
TRENT LOTT.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 31, 1996.

Hon. REED E. HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, Senate Majority Leader Dole and others have raised legitimate concerns about giving additional spectrum to television broadcasters. As you are aware, these concerns raise serious policy questions which include providing taxpayers fair compensation for the use of a national resource to the policy implications of giving preference to the broadcasters over all other potential competitors.

We share Senator Dole's determination to protect America's taxpayers, and to satisfactorily resolve this issue. We wish to inform the Commission that it is our intention to conduct open hearings and move legislation to overhaul our nation's policies governing the electromagnetic spectrum. We request that the Commission not issue any initial licenses or construction permits for Advance Television Services until legislation is completed. Furthermore, your input would be greatly appreciated as we work to solve this complicated issue.

We appreciate your cooperation in advance on this issue of the utmost importance.

Sincerely,
TOM BLILEY,
LARRY PRESSLER,
NEWT GINGRICH,
TRENT LOTT.

Mr. MCCAIN. Mr. President, the interesting thing about this is we are about to see what should have been done, not done, and what may happen is a loss to the taxpayers of, conservatively, about $30 billion in spectrum that would be auctioned off.

In the language of the bill that we will be considering, there is no authority for the Commission to auction or charge broadcasters for the use of the spectrum that has been identified for the provision of broadcast services.

I want to repeat. In the present bill we are about to consider, there is no provision for spectrum auction. The fair and decent thing to do for the American taxpayer was to strip that language out of the bill, thereby leaving it neutral, and saying that this issue will be taken up and the issue of spectrum auction will be decided through hearings and freestanding legislation.

I have been around here long enough to know what is going on here. What is going to probably happen is that we will not act on this issue this year; that sometime in 1997 the broadcasters will begin to sue for the provision of their spectrum, and in court will probably have standing because of this bill we are about to pass. I am not sure how any court could refuse when in the legislation it does not provide the Commission authority to auction off the spectrum.

I want to tell you what should have been done here. What should have been done is the language stripped out of the bill that does not give them authority and does allow them to give spectrum to the broadcasters.

About a month ago we had a vote around here on some spectrum that was about to be given away to a company. We had a vote here. It ended up, thanks to my colleague from Colorado and his cooperation and assistance, with a vote of 98 to 0 that mandated that this spectrum, which was about to be given away, be auctioned off. The estimates of the value of that spectrum at that time ranged between $150 to $170 million. The auction took place a little over 2 weeks ago, and the spectrum was auctioned off for $682 million.

Now, what we are about to do here is allow, over time, this spectrum to be given away to the broadcasters. I congratulate the broadcasters and their surrogates here in the Senate and the Congress. I congratulate them on prevailing. I congratulate them for their incredible influence that has prevented

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us from mandating an auction of the spectrum which belongs to the taxpayers.

The estimates are that this spectrum is worth somewhere around $30 billion—"b," billion dollars. Now we are going to accept language which is exactly what the broadcasters wanted.

In exchange for it, we get letters. We get letters which have no standing in law, which have no standing anywhere. I have grown a bit cynical in the years that I have spent here in Congress, not to recognize what is happening.

I can only speak for people on this side of the aisle about our philosophy of the role of Government. When something is owned by the taxpayer and is of great value and we are facing debts of incredible proportions, $4, $5 trillion, annual deficits of $150 billion, and we have a way of taking that very valuable commodity that is owned by the taxpayers and auctioning it off, and now we are being prevented basically from doing so—despite the fig leaf of these letters—I think it is a very sad day. Because in this legislation the broadcasters are well represented. The taxpayers of America are not represented at all.

So, as we adopt this legislation, and these letters, which I could describe in somewhat graphic terms but will not—they are entered into the RECORD—let us have no illusions about what is happening here. What is happening here is the odds are the taxpayers of America will never receive that $30 billion in return for the auctioning off of a commodity which they own.

Mr. President, I had a lot of problems with the telecommunications bill, as is well known here. I proposed numerous amendments which were defeated. But all of them pale in comparison to what we are talking about here, especially since we already have proof, with a $682 million auction of a small amount of spectrum that took place a couple of weeks ago, of the value which we are not addressing in this legislation today.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I first want to thank the Senator from Arizona for his statement. I can assure him that if the FCC means what they say in the letter, "only pursuant to additional legislation it may adopt resolving this issue"—I think both the Senator from Arizona and the Senator from Kansas are going to be around. And there will not be any legislation unless it resolves the issue fairly for the American taxpayer.

I think this is very important. I know there are Members on each side of the aisle who are concerned about it. It is not a partisan issue. Here we are, trying to balance the budget, cutting welfare, cutting other programs, and about to give a big handout here to the rich, the powerful.

We have not seen a single story on any of the networks about this issue. We see a lot of stories on the networks about some Member of Congress going somewhere on a "junket," they always like to say on the networks. But I have not seen anybody, except for CNN, not a single story on what could be the biggest giveaway of the century—not one.

I think we could have done better in the discussions, myself, yesterday.

I talked to the Speaker, and the Speaker said, "You got rolled." Everybody got rolled. But that is history. It will not happen again. I think this is a very important issue. You will not see it on television. You will not see it on the networks. You probably will not see it in any newspaper that owns television because this affects them. We should not raise things, in effect, for the rich and the powerful.

So I appreciate the concerns expressed, and we will continue to pursue this matter.

Mr. MCCAIN. Mr. President, will the majority leader yield for a comment?

Mr. DOLE. I am happy to yield.

Mr. MCCAIN. I want to thank the majority leader for his efforts on the spectrum auction. It would have sailed right through, because the fix was in. Had it not been for his efforts—I am sorry that he was out of town yesterday. I am sorry that we did not get, as the leader said, a better deal.

The thing I worry about, of course, is that with the present language in the bill, which should have been stripped out, next year sometime someone will sue and go to court with the FCC and force the FCC to be in compliance with the law that we are about to pass today. That is what I worry about.

But I do want to thank the majority leader sincerely for his efforts for bringing this issue to the attention at least to the print media. As the majority leader mentioned, we will not see this story on any television or hear it on any radio broadcast because it directly affects them.

But I want to thank the majority leader for his efforts. I take in good faith his commitment for us to try to get it up. I just know that the forces that are represented—the special interests here in Washington—have won. I regret it because it is the American taxpayer who now may be losing $30 billion. If we had done the right thing and stripped that language out of the bill, there was no chance that anything else would have happened.

I thank the majority leader for his efforts.

AGRICULTURAL MARKET TRANSITION ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The cloture motion.

Mr. DOLE. I ask unanimous consent that the pending cloture vote be temporarily laid aside.

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

THE TELECOMMUNICATIONS BILL

Mr. DOLE. I think the managers on each side of the aisle are here. We do not want to take a lot of time. We are trying to work out something on the agriculture bill, a bipartisan solution, if you please. Senator LUGAR, Senator LEAHY, and others on both sides have been active. We had a meeting in Senator DASCHLE's office, including myself, Senator DASCHLE, Senator LEAHY, and Senator LUGAR. We believe there can be a resolution. But rather than keep people here late, late tonight, we would like to move ahead and have the debate on the telecommunications conference report.

I understand that is agreeable to the Senators from South Dakota and South Carolina. I think there is a need to get consent on the other side of the aisle before we can proceed. There is no time limit. We hope to get an hour or two for a time limit. We said we cannot get that at the present time. But we would like to ask consent—I will not make the request now, but if we can get it cleared, I would simply ask consent that, notwithstanding the absence of official papers, the Senate now turn to the consideration of the conference report to accompany S. 652, the telecommunications bill, and the conference report be considered read.

That would just permit us to go ahead and have the debate.

I ask unanimous consent, notwithstanding the absence of official papers——

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN addressed the Chair.

Mr. DOLE. I have not made the request yet. I will repeat what I said and make the request.

Mr. HARKIN. I understand that there is a consent request to move right now to the conference report on the telecommunications bill. Mr. President, I ask that the bill be read.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader has not yet finished the request.

Mr. DOLE. Let me repeat the request.

Mr. LEAHY. Mr. President, will the distinguished majority leader yield for a moment?

Mr. DOLE. Yes.

THE FARM BILL

Mr. LEAHY. Mr. President, without going into the issue of the telecommunications bill—which I will not—I just want to emphasize what the distinguished majority leader said. As my colleagues know, he, I, and some others had an amendment at the desk. We would have voted cloture under normal circumstances. Following the first cloture vote today, the distinguished majority leader, the distinguished Democratic leader, Senator LUGAR, and I have met. I want to emphasize one thing.

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