

Frelinghuysen	Miller (FL)	Shadegg
Johnson, Sam	Miller, Gary	Shays
Kasich	Paul	Stearns
Kleczyka	Rohrabacher	Sununu
LaFalce	Royce	Toomey
Largent	Salmon	Wu
Linder	Sanford	
Manzullo	Sensenbrenner	

## NOT VOTING—22

Baker	Gallegly	Quinn
Bliley	Ganske	Ros-Lehtinen
Borski	Houghton	Stark
Callahan	LaTourette	Vento
Clay	McInnis	Wexler
Cook	McIntosh	Young (FL)
Cooksey	Miller, George	
Doyle	Myrick	

## □ 1810

Messrs. DELAY, KASICH and ARMEY changed their vote from "yea" to "nay."

Messrs. DAVIS of Illinois, GUTIERREZ, CROWLEY and HULSHOF changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TANCREDI. Mr. Speaker, please let the RECORD reflect that on rollcall vote 128, it was my intention to vote "no." The vote, "yes," was recorded in error.

## GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3615, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 1283

Mr. TALENT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1283.

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

There was no objection.

RADIO BROADCASTING  
PRESERVATION ACT OF 2000

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3439.

## □ 1812

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules

authorizing the operation of new, low power FM radio stations, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House, the bill is considered as having been read the first time.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

## □ 1815

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take this moment to inform the House that I intend to make a formal request upon the Department of Justice regarding a potential criminal violation of our statutes to the extent that the FCC, through its director and associate director of their political office, has apparently transmitted faxes to Subcommittee on Telecommunications, Trade and Consumer Protection legislative assistants and legislative directors urging support or opposition to the bill that is before the House today, in direct contravention to 18 U.S.C., section 1913, which provides that no part of the monies appropriated by Congress shall in the absence of express authorization be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence any Member of the United States Congress.

Mr. Speaker, today the House considers H.R. 3439, the Radio Broadcasting Preservation Act. At the outset, let me commend the sponsor of this bill the gentleman from Ohio (Mr. OXLEY) for his work on this legislation. Credit is also due to the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for their extraordinary work in presenting the bipartisan compromise legislation that is before us today.

This language passed our full Committee on Commerce by voice vote last month.

Mr. Speaker, this bill represents a true compromise. It allows for the FCC to proceed with plans to implement a low-power FM radio service to address the community needs of many localities.

The original legislation introduced in January, which gained the support of over 120 cosponsors, would have prevented the FCC from issuing any of these low-power FM licenses and would have effectively killed the FCC's low-power program altogether.

The language that the House considers today offers the FCC significantly more latitude than the original bill would have.

First and foremost, the bill allows the FCC to immediately begin issuing

licenses to low-power FM stations under the current interference standards used today to allocate spectrum on the FM dial. The FCC will thus be able to issue about 70 of these new licenses.

Furthermore, the bill institutes a pilot program to test the possible signal interference in nine geographic areas under the relaxed interference standards that the FCC recommends now.

Finally, and this is an important point, the bill maintains Congressional authority over any future changes made to the interference protections that exist in the FM dial today.

Let me take a minute to expand on this issue. The FCC has proceeded full steam ahead to implement this new service, even after learning about substantial concerns from both Republican and Democratic members of the Committee on Commerce.

We held a hearing to address these technical interference issues back in February. At that time, many members of our committee urged the Commission to proceed slowly with this program in order to carefully study the potential harmful effects on our Nation's airwaves. Without regard to these Congressional concerns, the Commission forged ahead and began implementing the program.

The bill correctly recognizes the need for Congressional oversight when it comes to such important issues as spectrum management. Before the FCC changes existing protections, protections that are as important to radio stations, public and commercial, as they are to radio listeners across America, I think it is imperative that Congress must have the authority to review any FCC changes over existing protections.

I will strongly oppose any amendment offered that would strip the Congress of its rightful oversight authority.

I trust the House will agree with me and recognize the tremendous movement that has been made in this compromise language to give the FCC authority to roll out low-power FM where there will be no interference and yet to do a pilot program before Congress gives it authority to indeed change its interference rules and allow further roll out of the program.

I urge my colleagues to vote in favor of the bill and against any amendments that would weaken it.

I want to point out again, Mr. Chairman, when the FCC uses money appropriated to it to lobby this Congress, my colleagues all ought to pay a lot of attention. It is a criminal violation, I believe, and I will ask the Department of Justice to investigate it. But when they go so far as to break the criminal laws of a country that prohibit this form of lobbying, we ought to really think about giving them authority to move forward before Congress says go forward on this important roll-out program.

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

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized.

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

Mr. DINGELL. Mr. Chairman, yield myself 3½ minutes.

Mr. Chairman, the bill under consideration today, H.R. 3439, represents an extremely constructive and wise compromise reached in the Committee on Commerce over the future of low-power FM radio service.

I particularly want to commend my colleagues, the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Chairman BLILEY), as well as my good friend the gentleman from Louisiana (Mr. TAUZIN) for a reasonable, common sense solution to the problem which existed.

The compromise, which was entirely bipartisan, allows some low-power stations to be licensed under existing interference standards immediately, some 70, and it then requires the FCC to establish a pilot program in a limited number of markets to determine precisely what the effects would be if these interference standards are relaxed in the future.

This is to protect broadcasters. It is to protect licensees. And it is, above all else, to protect the listeners of the FM radio spectrum.

By moving this theoretical question from the laboratory to the real world, all of us will be better able to judge whether or not permanent service, as envisioned by the FCC, should be permitted to move forward.

It should be noted that the FCC has here moved without any consideration of fact and without any careful scientific work. They have no understanding of whether or not or how much interference will be caused by the order which they have brought forward.

Great outrage existed throughout both the listener community and also through the broadcasting community. We are trying to see to it that a diversity of voices and views will be available to the American people, including a new low-power service. This, I believe, is beneficial.

We do not debate the question of whether low-power service would be beneficial to our communities. I happen to believe so. I have not heard any of my colleagues on either side of the aisle to dispute the value of adding more diversity to the airwaves.

Furthermore, I would note that neither the National Association of Broadcasters nor National Public Radio, both of whom are proponents of this legislation, have taken issue with the underlying goal of the FCC's recent order. But I would note that the legislation, as amended, does allow the project envisioned by the FCC to go forward under careful controls and

under good understanding of the basic underlying scientific questions which have to be addressed.

The issue under debate here is simply whether the FCC's order would cause an unacceptable level interference and thereby disenfranchise large numbers of existing radio stations and, more importantly, their listeners. Because it is the listeners that we protect.

Put simply, we want to make sure that the FCC has done its homework and that it will do its homework and that no harmful interference will result from these new stations. The result, I think, is one that is in the public interest.

In any event, the bill, as originally introduced by my friend the gentleman from Ohio (Mr. OXLEY), simply would have repealed the FCC's order. That, I believe, was unwise. Many members of the Committee on Commerce, including myself, were not convinced that that was a proper solution. So we have come forward with a compromise which allows the matter to go forward and ensures that the FCC will act wisely and well upon the basis of science and fact.

Again, I want to compliment my colleagues who have made this possible, especially the gentlewoman from New Mexico (Mrs. WILSON).

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

Mr. TAUZIN. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. OXLEY), my friend, the principal author of the legislation, the vice chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection.

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

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

Mr. Chairman, before I begin my remarks, I want to join the distinguished gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, in expressing my concern also for some of the overt lobbying that is going on from the FCC regarding this issue.

Virtually every Member of Congress has received this information from the FCC, which says, "10 Reasons to Support Low Power FM Radio Service and to Oppose H.R. 3439, the Radio Broadcasting Preservation Act of 2000."

This, basically, is lobbying no matter how we paint it and it is clearly, as the gentleman from Louisiana (Mr. TAUZIN) pointed out, against the law. This is something very, very serious when an independent agency can try to influence and ask for opposition to a particular piece of legislation.

But not only did they talk about the 10 reasons to oppose my bill, but then they added a letter from a labor union, the Federation of Labor and Congress of Industrial Organizations Legislative Alert, saying, "Oppose the Legislation. Oppose the Oxley Bill."

I do not think I can see any time in the 20 years I have been here a more blatant attempt to lobby this body by a so-called independent agency. It is an absolute outrage. I support the chairman for what he is trying to do in his referral to the Department of Justice.

Mr. Chairman, when we teach our children about good behavior, we teach them not to interfere with what other people are doing. We teach them not to step on other people's toes. And there is a lesson there for us today as we consider the direction of the low-power FM program.

The Chairman of the FCC, Mr. Kennard says he created this new, low-power FM licensing program to add new voices to radio. Well, that is great. And I will enjoy the option of having more choices in radio. And clearly, many of us on the committee supported the advent of low-power television. It has been a huge success.

But we also have to consider what happens to the incumbent stations, those people who have made an investment, many times their life savings, in a small radio station and what happens when those new stations may be developed impinge on their signal.

First, to address the so-called diversity issue, have my colleagues ever heard such a wonderful cacophony of voices that we hear in this democracy? Have we ever had more information, more kinds of media, or more outlets for our views? Anyone who takes an objective look must conclude that our country is rich in information and rich in public debate, as it should be.

So we are looking to add choices, not to subtract them. Remember, we are seeking to add choices in the consumers market without interfering with other existing services.

What our bill sought to do, clearly and concisely as I can say, was to say to the FCC, before they run full speed ahead in granting these licenses, make certain that the interference standards are adhered to, the interference standards of long tradition.

It is clear to me by the order of the FCC that they have ignored these requirements of making certain that we have a solid and significant sound for these people.

The private studies that have raised the questions time and time again have indicated that the growth of these stations in some areas may very well impinge upon viewers' ability to listen to these new voices and to the old voices, as well.

Clearly, there is enough evidence against the FCC's actions to be concerned. And that is why we have asked for this study.

People are attached to their radios. I grew up listening to the Detroit Tigers baseball games, as the gentleman from Massachusetts well knows. I think that every person has a right to listen to that particular broadcast without fear of being overrun by another signal.

Who would be harmed? Let us take a look at who would be harmed.

I was initially contacted before I introduced this bill by several locally-owned radio stations in my district, one in particular, WDOH in Delphos, Ohio, an independent, locally owned station very proud to serve the needs of that community. Yet, these are the kinds of stations that the chairman of the FCC says he wants to encourage and they would be clearly vulnerable to interference.

NPR is concerned about its member station and says that crowding leaves it vulnerable to interference. Kevin Klose said yesterday in a letter to the editor that the reading services for the sight-impaired are threatened.

This, of course, would be the case for thousands and thousands of radio stations across the country. So I think we have to be very careful as to how we proceed and the FCC proceeds.

This bill allows the FCC to proceed with a low-power program. It insists that the Commission reinstitute the third-channel protections that are so important for current broadcasters and listening services and requires the FCC to conduct a pilot study on the impact on the study of radio broadcast and radio listeners.

□ 1830

It directs the FCC to place low-power radio in areas where there is plenty of room on the FM dial. This is solid legislation.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding. I hope we have the time for a colloquy between us. I thank him for his assistance in this matter as I brought it to his attention several months ago. As the gentleman knows, there was a technicality that did not permit this amendment to be considered in this bill. However, I am hoping that the gentleman will agree that this is a matter that can well be addressed in the conference. We are talking Bergen County, New Jersey, which is in a very unusual, if not absolutely unique situation with regard to the availability of FM radio. While there are dozens of FM stations across the Hudson River in New York City, there are no commercial FM stations in Bergen County, which is one of the most densely populated counties in the Nation.

This is a unique situation because the New York stations provide all kinds of information and music and entertainment, but there are no local news and no public service data or emergency information for anything in this densely populated area, Bergen County. A little over 5 years ago, this lack of local radio was partially remedied by the creation of Juke Box Radio. The gentleman knows the details of Juke Box Radio. We do not have time to go into it now, but it is highly regarded in this area and serves definite purposes. Despite that fact of

the definite purpose it serves, it is not able under this legislation to operate. I believe Juke Box Radio clearly serves the public interest in the community; and if any way can be found to address this issue in conference, I would appreciate it if the gentleman could pursue it.

I had hoped to offer an extremely limited amendment supporting this arrangement. Unfortunately, the Office of the Parliamentarian determined my amendment to be technically non-germane because Jukebox is a commercial station and the LPFM service is strictly non-commercial. Despite that fact, I believe Jukebox Radio clearly serves the public interest in my community. If a way can be found to address this issue in conference, I would very much like to pursue it.

I would ask the Chairman for his assistance and state that to my knowledge, Jukebox has never been accused of causing interference to any other station and is operating on a frequency where interference should not occur.

Mr. OXLEY. Reclaiming my time, I thank the gentlewoman from New Jersey for pointing this out. The legislation before us deals primarily with safeguarding the existing full-power FM stations against interference from low-power stations.

Let me say to the gentlewoman from New Jersey that we will address that in the conference committee.

I can assure you that nothing in this bill is intended to create a disadvantage for any existing broadcaster or for radio service to any community. I recognize the importance of local radio in providing timely news and information, particularly emergency information and would be happy to work with you as this legislation moves forward.

Mr. Chairman, I ask unanimous consent that the entire colloquy be made a part of the RECORD.

The CHAIRMAN. The gentleman is advised that colloquies must be spoken, not inserted.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we need to keep this bill in context. The worst part, the most unhealthy part of the 1996 Telecommunications Act was the provision which allowed for the consolidation of the radio industry. Up until 1996, no one could own more than two AM and two FM radio stations in the same city, and no one could own more than 40 radio stations across the whole country. Because of the 1996 Telecommunications Act, this worst provision in it, we now have one group owns 512 stations, another 443 stations, another 248 stations, and another 163 stations. It is harder and harder for minorities to gain access to the airwaves, to own them. It is harder and harder for women. It is harder and harder for smaller voices to independently speak on the airwaves of our country.

What the chairman of the FCC, what the commission was trying to do was to make it possible for 100-watt stations to be licensed, not the 50,000-watt stations that we are all familiar with

in our hometowns. 100-watt stations. This is the kid across the street with an antenna. This is not rocket science. This is just radio. It has been around for 80 years and the Federal Communications Commission has been doing a good job in sorting out these issues, these interference issues. The FCC's job is to supplement, not supplant competition. That is what they are trying to do here, supplement it.

What are we talking about? Is your car radio going to be affected by this? No. Is your stereo going to be affected by this? No. Maybe the radio in the shower will have a little bit more interference, but we have the FCC to work it out. They have been doing it for 80 years. By the way, since the 1960s, 300 radio stations around the country have operated within the third adjacent channel proposed for low-power FM. By the way, those were full-power radio stations inside the third adjacent channel. Since the late 1960s, the FCC has worked it out. This is not a good bill. I urge my colleagues to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. OXLEY), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Virginia (Mr. BLILEY) for working together on a compromise substitute that we have worked on in committee to allow low-power radio to go forward.

Our first obligation here is to protect the radio listeners. That is listeners with all kinds of radios whether they are in their shower or they are listening as I do on an old radio that I had when I was a kid that still has one of those really teeny-tiny switches on it to tune into my favorite station. We should not all have to have stereos and new cars to be able to hear the stations that we want to hear. We had hearings in the Committee on Commerce where the engineers did not agree on whether putting stations closer together would cause static and cross-talk and hums and things that would be really annoying to everyday people. But we do want to hear more voices on the radio.

The idea of low-power radio is really kind of a neat idea that could open up radio to a lot more voices. So we have worked what I think is a good compromise in the committee. It is a little delicate, but I do not think it needs another amendment. It says, let us go forward with low-power radio with the existing interference standards; let us set aside nine cities where we are going to test it to see if we can have these stations closer together and not have interference, we are not going to let pirates have licenses, and we are going to have the FCC in this independent review come back and tell us how it went in those nine stations, find out how it goes and see if it is okay, and then

maybe we will be able to open up more low-power stations.

I think this is a pretty good compromise. The FCC was moving too quickly and I believe compromising the quality of the radio reception that we get in our communities. We found an acceptable balance. I thank the chairman and the ranking member and my other colleagues for working together towards this solution.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to urge support for this bill. I signed on as an original cosponsor not because I wanted to curb diversity or local interest but rather because I wanted to protect them. My home State of New Jersey is completely dominated by New York radio to the north or Philadelphia radio to the south and in between are the small local radio stations which strive to remain distinctly New Jersey in focus and content.

Obviously, this makes for a fairly crowded radio dial already. Unilaterally adding more stations in my opinion is not the solution. In fact, in my State, low-power FM may even cramp local New Jersey stations and disrupt consumers by interfering with local broadcasts or by duplicating local services and formats. Even National Public Radio has concerns that the low-power FM program will hamper its broadcasts. Accordingly, NPR supports the bill.

Mr. Chairman, I have no quarrel with the goals of the low-power FM program. However, its application needs to be examined and evaluated by the Congress. The compromise we fashioned in the Committee on Commerce allows the FCC to move forward with the low-power FM as long as it protects existing third-channel interference protections. The compromise then allows for an independent party to determine once and for all how these pilot programs will affect current radio listeners, small market broadcasters and blind radio reading services. The FCC will then report back to Congress in 2001. I think this compromise is a good one. It passed the Committee on Commerce by a voice vote and in my view is the most responsible way to proceed with the low-power program. I would urge my colleagues not to support any amendments.

I want to compliment the hard work of the gentleman from Michigan (Mr. DINGELL), our ranking member, in forging the compromise and the gentleman from Ohio (Mr. OXLEY) and again urge support of the bill.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me this time and thank the gentleman for bringing this bill to the floor. This is important legislation that has real potential impact on many small businesses in America as well as

many listeners to radio stations throughout the country.

In January of this year, the five-member FCC issued rules creating a new low-power radio service. That is what we are talking about today. But two of those five members did not think this was a good idea. One dissented completely, one dissented in part, understanding as many Members of this body do that what this legislation really does is move the FCC into an area that is not yet ready. It moves many owners of radio stations, some part of large radio chains, some part of a station that a family has founded that they run, that they have done their best to build over the years, they have created identity with their signal, into an area that no one quite knows whether their station continues to work the way it has in the past or not, creating holes in the radio signal area, where if you are driving across the country and you are listening to a station and you suddenly come into one of these new low-power areas and you assume the station you were listening to is gone, not knowing that a few miles down the road it would be right back, is a very harmful thing to businesses that have been built on a guarantee from the Federal Government and the FCC that they would have a position on the dial, that they would have a position on the band and on the spectrum that worked for them, that was theirs, that they could really gain listener respect, listener loyalty and a place that they knew they could be found.

Inexpensive and older radios are particularly vulnerable to interference, meaning the proposal could have the effect of denying low-income and elderly listeners clear reception of their favorite stations. This is important legislation. I am glad it is on the floor. We need to pass it today.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the ranking member, the gentleman from Michigan (Mr. DINGELL), for yielding me this time and for his hard work on trying to make this a fair bill. I still, however, must rise in opposition to H.R. 3439. The title itself is deceptive. The act seeks to preserve the status quo and to prevent others from having access to the airwaves.

It is a fact that the four top radio groups own the majority of the Nation's radio stations and according to the Congressional Research Service between 1995 and 1998, the number of radio station owners decreased 18.8 percent. With the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities an opportunity to enter into the radio broadcast area. I support this new initiative because it will open

doors of opportunity for our Nation. It adds to radio diversity and encourages alternatives to current commercial formats that dominate the radio.

I have heard others say that we need to protect radio listeners, but we must also protect those who do not have stations to listen to. I am confident if LPFM were put in place that many would listen to the radio, if they had something to listen to. I contemplate in my own jurisdiction many of the wonderful stations that are on my son likes, the kids older than him like; but there are seniors and people who attend churches throughout my community who do not like any of it, and they should have an opportunity to be heard on radio as well.

Who are we to delay or deny opportunity to community-based groups who have more than earned the right to take advantage of the technology? I have met with the members of the industry, and I understand their concerns; but here in the land of the free and the home of the brave, everyone should be able to reach the table, and they can do it by low-power radio.

Now, low-power FM radio has the support of the Leadership Conference on Civil Rights, the AFL-CIO, the Communication Workers of America, the United States Catholic Conference, and the United Church of Christ Office of Communications.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding me this time and the gentleman from Ohio (Mr. OXLEY) for his efforts as well as members of the minority.

There are two important aspects as I see it to this bill. One is that it will allow low-power radio to proceed. It will protect listeners, and it will prevent interference, which is something I think the American people are accustomed to and frankly want. That has been expressed through the Members of Congress in the last couple of years. Why we are here today in a somewhat expedited way is because the FCC overruled the will of the people. They overruled the will of Congress, which leads to a second and probably more disturbing portion of this debate and that is what the gentleman from Louisiana and the gentleman from Ohio alluded to at the very beginning. The FCC, for a lot of Americans who do not know, is a regulatory body and many businesses have to go before this regulatory body for satisfaction, for answers to really carry out their business plan, to bring products to the American people.

□ 1845

What we see too often, especially lately, is that good honest business people have to go on bended knee before the regulators, and if they do not

get their way, the regulators, they take it out on those good honest American business people. We talk about the land of the free and the home of the brave, that is not the American way.

The American people deserve honesty from people holding public office. They deserve to be treated fairly and openly, and not to be subject to idle or explicit threats.

With that, I urge the adoption of this bill.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Radio Broadcasting Preservation Act. The bill would postpone the FCC's efforts to open our airways to small local community groups, churches, schools, volunteer fire departments, civic organizations. It would deny these groups the right to provide their communities with information of unique local concern. It would smother movements towards diversity on our airwaves.

These are stations that would broadcast local ball games, municipal meetings, or anything else they think would be good for their communities and their communities wanted to hear.

Low-cost, small-scale FM stations would play a vital role in the Hispanic community in my district by expanding the opportunities for local Spanish language radio service. Such stations would help to strengthen this community, unite it behind common goals.

I have worked with the FCC on this issue for over 2 years. Exhaustive engineering studies have been completed. The experience of actual low-power radio stations has been reviewed. The results are conclusive. These new stations will not interfere with the existing large radio companies that currently dominate our airways. This bill discourages expanding our educational and culture horizons. I urge Members to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would like to commend the gentleman from Ohio (Mr. OXLEY) for introducing and pushing this legislation and the gentleman from Louisiana for his leadership in bringing it to the floor today.

In January, the five member Federal Communications Commission issued rules creating this new low-power FM radio service with two members dissenting, two of the five, in whole or in part dissenting. In his comments, Commissioner Powell focused on the economic repercussions of low-power FM and the possibility that many independent and minority owned full-power stations could be forced out of business. Commissioner Furchtgott-Roth's dissent focused on interference and the Commission's uncharacteristic alacrity in considering low-power FM.

This matter has not been properly reviewed by the FCC, and this legislation

is vitally needed to stop this action from taking place.

Existing broadcasters oppose the FCC's decision, with good reason. In establishing low-power FM, the FCC significantly relaxed its interference standards, meaning increased interference with existing radio services and a devaluation of the investments of current license holders.

There is no question that eliminating the third adjacent channel safeguard, as the Commission is doing, will lead to increased interference. While the FCC claims that the weakened standards will not result in unacceptable, watch that word, levels of interference, this assertion is challenged by private sector studies.

While the desire to provide a forum for community groups is laudable, a multitude of alternatives exist. Groups may obtain non-commercial licenses, use public access cable, purchase broadcast air time, publish newsletters and utilize Internet web sites and e-mails, among many other options.

This is a country in which there are many ways to express yourself, but we should not do it at the expense of those who have already made investments and are already providing valuable services to citizens in this country.

I urge the Members to support this legislation.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

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

Mr. Chairman, I want to address this colloquy, if you will, to the gentleman from Ohio (Mr. OXLEY) and thank him for agreeing to participate.

As the distinguished chairman of the Subcommittee on Finance and Hazardous Materials knows, I am extremely disappointed that the Federal Communications Commission's recent approval of non-commercial low-power LPFM radio stations did not address existing commercial low-power FM translators operating in counties where there are no allocated commercial FM stations and no commercial FM stations can be allocated.

Although the residents of northern New Jersey can choose from dozens of New York City FM stations, those stations ignore Bergen County, New Jersey's need for local news, traffic reports, school closings, public service announcements and other important local information.

Even though Bergen County, New Jersey, gave birth to FM radio in the 1930's, Bergen County has no commercial FM station of its own and none can be allocated to Bergen County under present Commission rules.

Commercial FM translator W276AQ in Fort Lee, New Jersey, in my district, Jukebox Radio, brings valuable local news, traffic, weather, public service announcements, school closings, and other important information

unavailable from any other source on the FM broadcast band. It is translated into a Class A FM signal 75 miles away from Bergen County. Bergen County residents should not be forced to depend on FM service in this manner.

I would say to the gentleman from Ohio (Chairman OXLEY), I believe that existing commercial low-power FM translators licensed in counties with a population of 800,000 or more, and where there is no licensed or commercial FM station, such as that in Bergen County, New Jersey, should have the opportunity to immediately begin broadcasting with local origination.

Although we were not able to resolve this issue in this bill, I urge the gentleman to raise this issue in conference and include language to this effect when the House and Senate conferees meet. With that hope, I am going to support the bill, and thank the distinguished gentleman.

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, I will be pleased to work with the gentleman in the conference on that very issue.

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

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

Mr. DINGELL. Mr. Chairman, I want to observe to the gentleman I think his complaint is a very legitimate one and thank him for raising it, and indicate that I know that the distinguished chairman of the subcommittee and my good friend the gentleman from Ohio (Mr. OXLEY) also and I will be trying to look after his concerns on this business of New Jersey having better and more adequate service, not only in the area of FM and AM, but also on broadcast television, which is very much in short supply from stations indigenous to that State.

Mr. ROTHMAN. Mr. Chairman, reclaiming my time, I thank the distinguished gentleman.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to rise in support of H.R. 3439. I want to compliment the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Virginia (Mr. BLILEY) for their help in moving this bipartisan effort forward.

Mr. Chairman, there is an impression in some quarters that this legislation will stop low-power FM licensing or prevent it from ever getting to the air. Nothing could be further from the truth. The simple fact is that the radio spectrum is finite in size. Within this limited universe, commercial radio signals must be separated by at least three adjacent channels in order to prevent interference and crosstalk.

Obviously, two stations serving the same market cannot be licensed to occupy the same frequency. Radio bandwidths can only be sliced up so

many ways. We rely on the FCC to ensure that the radio pie is fairly divided. The FCC ensures that every radio station gets a slice of the pie with enough calories to sustain its signal. This is the only way to make sure that we, the listeners, can receive our favorite programs without hinderance or hurdle.

I take no issue with the FCC's goal of trying to add a new class of lower stations. Indeed, say adding more voices to the airwaves is a commendable goal. But, Mr. Chairman, not all radios are created equal. They are not endowed by their manufacturer with inalienable rights. A simple clock radio or a Walkman will not contain the same sophistication and filtering technology to combat interference between stations as would a hi-fi nor should they.

This bipartisan substitute reported out of the Committee on Commerce strikes a reasonable compromise. If we are going to have low-power FM service, it needs to be done right. We want to give these micro-radio stations an opportunity, but we have an obligation to maintain the integrity of the existing spectrum. New Yorkers want to continue to listen without interference to stations such as Z-100, WBLI, and public radio, such as 91.1 FM.

If the FCC is right and low-power FM does not cause interference on third adjacent channels, then they can proceed with this new service on a national scale. I am confident that should the test demonstrate listeners have nothing to fear from relaxing the interference standards, this body will look favorably to giving the green light for an expanded low-power FM service.

I want to urge my colleagues to support this bipartisan bill, and oppose the amendments that seek to undermine the consensus that has been reached.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have an amendment that I will be offering in several minutes with the gentleman from Illinois (Mr. RUSH), but I just want to address some of the concerns that I heard raised here tonight.

The first one is several of the speakers talked about people driving their cars and how this would affect their driving. They would go into a neighborhood, they would lose a station, it would come out. Even the radio owners that I have talked to in my district have acknowledged that radios in cars are very, very precise and that that is not going to be a problem.

The gentleman from Massachusetts (Mr. MARKEY) before referred to the radio in the shower. Yes, if it is a very old radio, you might have a problem. But most of the radios in this country are going to be radios in cars. That is not where the problem lies.

We have also heard a lot of FCC bashing, and I think that the FCC has responded to a lot of the concerns that

have been raised here. This proposal that they have attempted to move forward on is a scaled-back version of their initial proposal. I think even the proponents of this bill would acknowledge that we are talking about very low-watt radio stations, 100-watt stations, and in some situations, maybe even 10-watt stations. We are not talking 50,000-megawatt stations. We are talking small, neighborhood, churches, minority, college stations. These do not present a serious threat to the large stations.

I will address this in my amendment, but I am sensitive to the technical issues that have been raised regarding this, and I think that the amendment that the gentleman from Illinois (Mr. RUSH) and I will propose in several minutes addresses that, but does not strip the authority of the FCC. We are talking about micro-stations here. I do not think Congress should be micro-managing these micro-stations.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the ranking member for yielding me this time.

Mr. Chairman, I want to say that, first of all, that I have heard a lot of comments regarding the FCC and actions of the FCC, and I want to go on the record to inform everyone that I believe that the FCC has done a great service to the American people. I am an unmitigated supporter of the FCC, and I think that the FCC has done an outstanding job in terms of trying to ensure that all Americans have access to the airwaves of this Nation.

□ 1900

Regarding the low power FM stations, Mr. Chairman, I just want to ensure that people understand that the American people and the Members of this Congress understand that the LPFM is a new noncommercial community-based radio service that will benefit local communities all across this Nation.

It gives media access and broadcast voices to local churches, to schools, colleges, State and local governmental agencies, musicians, and nonprofit community organizations, those same organizations that have been excluded heretofore regarding having access to the air waves.

LPFM adds to radio diversity and encourages alternatives to the commercial formats that currently dominate our radio.

Mr. Chairman, as has been stated earlier, it is a fact that the top four radio groups own the majority of this Nation's radio stations, and according to the Congressional Research Service, between 1995 and 1998 the number of radio station owners decreased by 18.8 percent.

Mr. Chairman, with the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities the

opportunity to enter the radio broadcast market.

Mr. Chairman, just 2 weeks ago Chairman Kennard visited my district, the Chairman of the FCC. We went to a high school, the Dunbar High School located in my district on the South Side of the city of Chicago. I just wish that Members of this body could have observed students who had never had the opportunity to participate in broadcast fields, the broadcast profession, who never had an opportunity to run a radio station nor a television station.

These students were aggressively engaged in learning all that they could. What they asked us at that time, at that visit, they asked this body to give them an opportunity to really run a radio station, 100 watts, that would have a radius of 2 miles within that high school. That is all they are asking for, so they in fact can learn more about the broadcasting industry.

Mr. Chairman, this bill I think does not address that concern, and the gentleman from Wisconsin (Mr. BARRETT) and I will introduce an amendment to this bill in order to try to allow opportunities for unrepresented groups and citizens to engage in this process.

Mr. DINGELL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume to close.

Mr. Chairman, Members of the committee, let me place this in perspective. The bill we are discussing today does not stop the FCC from moving forward with this low power program. It simply says the FCC must only move forward with the 70 licenses that will clearly not interfere with current radio broadcast.

It says, in those cases where the licenses may in fact interfere with current radio broadcasting, they have to do a pilot in nine different geographic regions of the country and then report to Congress about the results.

What we are going to hear in just a minute is an amendment that would say, when that report comes to Congress, whether or not the report indicates interference, the FCC can then proceed to issue as many licenses as it wants to under its original proposal. I hope that we will defeat that amendment.

The compromise carefully crafted in the Committee on Commerce, with the great work of the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL) says in effect that the Commission must submit independent testing of interference, and then we get to say, based upon that report, whether they can move forward.

Let me tell the Members why that is so critical. I want to read Members a letter from the Hispanic Broadcasting Corporation to our chairman. They are writing to express concern about the implementation of low power FM, and

ask strong support for this bill, as we have compromised it.

The author indicates, "The FCC is moving forward with a low power FM plan that has not been thoroughly thought through. First, radio is on the verge of converting to digital." For television, we gave television new spectrum to move into digital. We did not do that for radio. Radio has to move to digital in the same spectrum they are currently located. That is going to be a tough trick.

Before that happens, if the FCC moves forward with this low power FM radio issuance and in fact those stations interfere with that digital transmission of the radio stations that currently exist, like the Hispanic radio station, like the public radio stations, not just the private corporate radio stations, if the FCC moves forward and then the digital conversion does not work, there is all kind of interference. We just will not get static on the radio, we will get no signal at all. In digital, it just cuts out totally.

We were told by the Commission that they would wait for the digital report to come out before doing this FM low power rollout, but they went ahead anyhow and did it regardless of that report. It is still not done. Hispanic radio is asking us, please pass this bill. Make sure there is no interference.

They go on to point out, "Furthermore, less expensive and older radios used disproportionately by minorities and older Americans," the walkmen, the boom box, the radio beside our beds, not just the radio in the shower, the radio beside our beds, for many older Americans, "are more susceptible to interference from low power stations. Millions of Americans rely on low quality radios as their main source of news, weather, and sports," 65 million, to be precise.

I am concerned that low power FM will disenfranchise the very people it seeks to empower, underserved communities like the Spanish language audience that we serve.

See, this is the problem, Mr. Chairman. It was minority radio stations and public radio stations, not just the private corporate radio stations represented by the NAB, who came to us and said, do not let this happen to disenfranchise our audiences and our radio stations. Make sure there is no interference.

I wish Members had been in our committee room to hear the potential interference. As a beautiful song was playing, we could hear people talking over it. As a beautiful opera perhaps was being presented by National Public Radio, we could hear talking over it. As perhaps a Spanish language station was trying to do some cultural work in the community, we could hear somebody else talking over it.

In digital, we would not even hear it at all. It would block the signal completely.

Mr. Chairman, we have worked out a delicate compromise. This lets the FCC go forward where we know there will be no interference. It requires private, independent testing to make sure there

will not be interference. If they want to go further, it requires them to come back and get permission from us after we know there will not be that interference.

The gentleman from Wisconsin (Mr. BARRETT) will offer an amendment in just a little while that will tell the FCC it can do what it wishes to do after 6 months, regardless of the interference problems. I hope we defeat that amendment. I hope we pass this good bill. The gentleman from Ohio (Mr. OXLEY), the gentlewoman from New Mexico (Mrs. WILSON), and the gentleman from Michigan (Mr. DINGELL) have done some good work and put together a good compromise.

Ms. BROWN of Florida. Mr. Chairman, these new Low powered stations will offer a voice to those who deserve to be heard, and will promote greater diversity and allow non-profit organizations, community groups, and churches an opportunity to reach their local constituents without paying huge fees to commercial radio stations.

As more and more radio stations are bought up by large companies, it becomes more and more difficult for minorities and women to own or access a station. Its obvious to me why these commercial radio stations are opposing these additional stations, they just don't want any competition.

It amazes me that the same people who chastised the FCC for trying to limit religious broadcasting are the same ones that stand on the floor here today trying to prevent churches and community groups access to the media. Its dishonest, and I encourage my colleagues to let the FCC do their job and defeat this bill.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 3439, the Radio Broadcast Preservation Act of 2000. The House is rushing to judgment on this important issue and I regret we are considering this bill at this time.

This bill would block the Federal Communications Commission from going forward with its plan to establish Low Power Radio which is a non-commercial, community-based radio service to give churches, non-profit community groups, colleges and universities and state and local government access to the public airwaves. These stations would serve an audience within a 1.5 to 3.5 mile radius, which is not a very large area.

Low Power radio is important because it will allow the sharing of the public airwaves with local community voices, voices left off the air because of the massive consolidation of the broadcast industry.

I do not agree that broadcasters would be hurt by a local government's 100-watt radio station trying to inform its constituents about important local government services or events.

I do not agree that anyone would be hurt by a college or university radio station that tries to inform its students about campus events.

I do not agree that anyone would be hurt by a 10-watt church radio station wanting to offer mass over the airwaves to parishioners who cannot attend services.

Nor do I believe that anyone could be hurt by a non-profit organizations' efforts to inform language minority groups about important community events or services available to them.

It seems ironic that we would be voting here today on a bill to suppress the voices of those we've pledged to give a voice to. Voices that, had this bill been given a proper hearing, we

would have heard from, such as the National Council of La Raza, the League of United Latin American Citizens, the U.S. Catholic Conference, the United Methodist Church, the National League of Cities, the US Conference of Mayors, among many others.

Low Power Radio is critical and comes at a time when our communities are losing out to the massive consolidation taking place in the radio broadcast industry. This merger mania has left many of us with little choice about who or what gets to be heard today. We have to do something to protect the diversity of voices and opinions that are often suppressed by the giants in the field.

I urge my colleagues to vote against this bill and help protect low power radio and the communities that would most benefit from this service.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 3439, the Radio Broadcast Preservation Act of 2000, of which I am a co-sponsor.

Mr. Chairman, I am pleased that this legislation would assure that the necessary steps are taken as the Federal Communications Commission begins licensing Low Power FM Radio stations. Low Power FM licenses are an opportunity for churches, schools, and other community groups to begin broadcasting their information to local listeners. While these licenses would open up the broadcasting industry to individuals and groups previously excluded, they should not be given out at the expense of existing stations and their listeners.

The experimental program this bill establishes would study nine test markets to determine the impact of Low Power FM on radio broadcasters and radio listeners. I believe that testing the market is an important method of implementing and improving the Low Power FM program.

Mr. Chairman, H.R. 3439 promotes a more responsible method for the FCC to license Low Power FM and adopts the necessary safeguards for the radio broadcasters and listeners in my district.

I urge my colleagues to support this legislation which will protect radio broadcasters and listeners from excessive static interference and which will promote the responsible licensing of Low Power FM.

Mr. BONILLA. Mr. Chairman, I am in strong support of the Radio Broadcasting Preservation Act. This bill ensures that free over-the-air radio will remain free and uninterrupted.

All too often, I hear from folks in my district concerned about the power grab of the Federal Communications Commission (FCC). Unfortunately, this is just the latest example. The FCC is moving forward with a low-power FM plan they have not thought through. The FCC believes that this decision will allow the "little guy" to become a radio broadcaster. In reality, this decision will cause massive interference problems for FM listeners.

The FCC's low power FM plan was approved without proper consideration of technical and other concerns raised by this new service. Radio is on the verge of converting to digital. Has the FCC really thought about the effect of low-power FM on the digital conversion process? No. Wouldn't it make more sense to rollout digital radio—which is even a larger project than the digital television rollout—and then focus on how to accommodate low-power FM? Yes.



Has the FCC really thought about how the millions of Americans who rely on low quality radios as their main source of news, weather, and sports? No. Less expensive and older radios, used disproportionately by minorities and older Americans, are more susceptible to interference from low-power stations. Low-power FM will disenfranchise the very people that the FCC claims it seeks to empower, undeserved communities (including the blind and Spanish language groups).

Did the FCC consider low power stations' interference with out public broadcasters? No. In yesterday's Washington Post, Mr. Kevin Klose, president of National Public Radio, made clear public radio's opposition to the FCC's "rush to add low-power radio stations to the crowded FM dial." This year, we are spending more than 60 million taxpayer dollars on public radio. And the FCC is ready to throw that money down the drain.

The FCC's low power proposal is a true disservice to current broadcasters' outstanding community service. Local radio and television stations provided \$8.1 billion in public service just last year. That is more money than the total annual giving of the top 100 U.S. foundations. Full power radio stations across this country provide life-saving information on natural disasters, preventing drinking and driving, curbing drug and alcohol abuse, crime and violence prevention, just to name a few areas.

The FCC proposal presumes that local radio stations no longer provide local service. That assumption is completely false. The FCC should be reined in and local broadcasters should be allowed to continue their good work.

Mr. SANDLIN. Mr. Chairman, I rise in strong support of the Radio Broadcasting Preservation Act and the compromise bill reported out of the Commerce Committee. This approach will allow low power FM (LPFM) to move forward with proper safeguards against interference.

I support providing new opportunities for community, public interest, civil rights and educational groups to be heard in the public forum. I do not dispute the potential that LPFM stations provide for under-represented community and educational groups. However, we must ensure that in the process of providing a voice for these groups, we do not impair radio listeners' access to locally originated information and entertainment. By calling for a careful review of the LPFM plan, H.R. 3439 allows low-power FM to move forward while protecting listeners from increased interference on the FM radio dial. The legislation does this by re-establishing previous FCC signal-interference standards and commissioning the FCC to study the extent to which signals of such low-power stations interfere with the signals of existing stations.

Millions of Americans depend on the radio for important information and entertainment programming. Thirty percent of this population, especially low-income and elderly listeners, access this programming via inexpensive and older radios. The level of interference these individuals will encounter due to LPFM is unknown. H.R. 3439, therefore, calls for field tests to determine how LPFM without third-adjacent channel protection would affect current listening audiences. The FCC would then be required to submit a report to Congress on the results of these tests by Feb. 1, 2001, along with any recommendations for modifications to signal-interference standards.

Also unknown is the impact of LPFM on existing public stations and small and independent commercial stations which already provide valuable services such as emergency warnings, weather and traffic information, community news and entertainment. Many of these stations depend on local resources to meet operating expenses through underwriting or advertising and may be placed into direct competition with LPFM stations in their struggles to stay afloat. This bill requires the FCC to conduct an economic impact study on incumbent broadcasters (particularly the economic impact on minority and small broadcasters), the transition to digital broadcasts, FM radio translator stations, and stations that provide reading services to the blind.

I would like to see localized groups have station access and believe this communication will strengthen community bonds. However, I do not want new access to be gained at the expense of pre-existing stations. I am encouraged to know that the House Commerce Committee was able to work out this compromise. H.R. 3439 not only provides new opportunities for station access but also protects existing community broadcasters from interference.

Mr. DICKEY. Mr. Chairman, despite objections raised from many corners, the FCC has charged ahead with plans to immediately implement low-power FM. In the process it has ignored legitimate concerns about interference and the continued viability of small and independent commercial stations and existing public stations. H.R. 3439, the Radio Broadcasting Preservation Act, pulls the FCC back from the edge without completely halting its authority to pursue low-power FM.

The potential for interference has been a primary concern from the beginning. The available spectrum only stretches so far. While the FCC claims its plan will not cause interference on car radios and high-fidelity stereo component systems, it does admit some interference will occur on clock radios and portable radios like the boombox and walkman. Considering these types of radios account for 65 percent of all radios in America, it makes sense that we should step back, take a breath and carefully consider all the consequences before taking drastic actions. We must also ensure that in its haste to implement low-power FM, the FCC does not overlook the impact on inexpensive and older radios, which are highly vulnerable to interference and are most commonly used by low-income and elderly individuals. H.R. 3439, therefore, requires a test of nine markets be conducted by an independent third party to determine how low-power FM without third-adjacent channel protections would affect current listening audiences.

Another potential problem not explored by the FCC is interference with services for blind individuals. The International Association of Audio Information Services uses frequencies located on the outer edge of radio stations' spectrum to read books and newspapers to over 1 million blind individuals, who listen to this service with special radios. The FCC did not test these radios. This bill, therefore, requires the FCC to explore the impact of low-power FM on stations that provide this important service.

Interference is not the only issue about which we must be concerned. Small and independent commercial broadcasters who rely on local advertising to meet operating expenses face questions about their continued economic

viability. These existing stations could be undercut by low-power stations siphoning off limited local resources for underwriting purposes. These existing local stations already provide many of the services low-power FM stations purportedly are being created to provide, including community news and emergency information. Many public radio affiliates share these concerns about increased competition for limited local resources. H.R. 3439 addresses these concerns by requiring the FCC to conduct an economic impact study of low-power FM on "incumbent FM broadcasters in general, and minority and small-market broadcasters in particular."

Finally, this bill ensures former "pirate" or unlicensed broadcasters are not eligible for low-power FM licenses. These individuals should not be rewarded for previous unlawful acts that interfered with authorized FM broadcasts.

Considering the many concerns at play here, the FCC should take a step back and re-evaluate its plan for low-power FM. H.R. 3439 is a sensible approach to such a reevaluation. It protects existing stations from serious harm, guards against interference experienced by the listening audience, all while allowing new community broadcasters to enter local markets.

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to this bill.

I was encouraged to hear last year that the FCC was initiating efforts to bring back community radio. After engaging in a public process that took into account thousands of comments from citizens all over the country, and after conducting extensive technical tests, the FCC issued its rule to establish lower power FM radio, a rule that many see as conservative. The FCC scaled back its proposal significantly in order to protect existing stations from interference, while at the same time maximizing the ability of local groups to gain access to the public airwaves.

The FCC's rule is meant to help bring community radio to millions around the country, and thereby to address a need that is not met by mainstream broadcasters. It is meant to bring the voices of community groups, churches, educational institutions, and local governments to radio. Many of these voices have been lost through media consolidation—figures I've seen show the number of radio station owners decreased by nearly 20 percent between 1995 and 1998. So at a time when even fewer voices are being heard, it is even more critical for us to be thinking about how to let more voices in, not keep them out.

Although critics of the FCC claim the rule was made in haste, Chairman Kennard has said publicly that "no service ever considered by the FCC has been as extensively studied as low power radio." He has said time and again that this was a "responsible public interest decision that will not impact the existing radio service." I believe that if low power radio does end up having a negative impact on existing service, the FCC will step in to correct the situation.

In the meantime, we should stop trying to legislate technical details. The FCC is charged with maximizing the public's use of the airwaves, encouraging the provision of new technologies and new services to the public, and providing new access to the airwaves for more people. We should let the FCC do its work, and oppose this bill.



Mr. EWING. Mr. Chairman, on January 20, 2000 the FCC adopted rules creating a new, low power FM radio (LPFM) service. This service creates two classes of radio service to operate within the FM radio frequency band with power levels from 1–10 watts (LP 10) and from 50–100 watts (LP 100).

The rationale for creating this new class of radio service is to bring diversity to radio broadcasting and enhance community-oriented radio broadcasting. Those eligible for licenses for this type service can be noncommercial government or private educational organizations, non-profit entities with educational purposes; or government or non-profit entities providing local public safety or transportation information, as long as they are based in the community in which they intend to broadcast.

The problem with this new service is not with its intent. Seeking to promote diversity in broadcasting and enhancing community-oriented radio broadcasting are both honorable goals. The problem is these new stations will operate on the FM radio frequency band currently occupied by full power radio stations, and there is the possibility that these low power stations will interfere with these existing stations.

Under current FCC rules for full power radio stations, interference between stations is avoided by preventing stations from sharing the same channel or the first, second or third adjacent channel. Under the proposed rule, however, low power FM would be allowed to occupy the third adjacent channel to an existing full power radio station.

The FCC officially contends that allowing low power FM stations to occupy the third adjacent channel will not cause unacceptable levels of interference to existing radio stations. However, these claims have been questioned by various groups such as the National Association of Broadcasters, the Consumer Electronics association, and the Corporation for Public Broadcasting (led by National Public Radio). Even the International Association of Audio Information Services, whose members employ local volunteers to read the local newspapers on air to over one million blind listeners nationwide, has expressed concern that these new low power stations could cause interference with their services.

There is even some concern among several FCC commissioners that these new stations will cause interference. In the FCC's Report and Order concerning this ruling 2 of the 5 FCC commissioners expressed concern that these low power stations would interfere with existing stations. In dissenting statements regarding both the proposed rule and the final rule, Commissioner Harold W. Furchtgott-Roth stated that although he was not opposed to the creation of low power radio service, he could not support the rule because he believed that suspension of the third adjacent channel protection would cause interference with existing stations. He feels the entire process was rushed to judgment and that the commission had not taken the time to do the right technical studies the right way. Furthermore, he believes any demand for lower power non-commercial stations could be met by the dispensation of licenses within existing rules—i.e., by giving out 101 watt licenses consistent with the 100 watt minimum requirement or get a waiver to the 100 watt minimum rule if someone really felt compelled to operate a 50-watt station.

In his dissenting opinion Commissioner Powell echoed sentiments similar to those expressed by Commissioner Furchtgott-Roth. In light of lingering concerns about signal interference and his concern about the economic impact of the new service, Commissioner Powell regrets the “shot gun introduction” of the rule and believes the service should have been introduced gradually with third channel adjacency protections intact. In his opinion, this would minimize the risk of interference in a manner consistent with existing services and it would introduce substantially fewer stations into the market, thereby allowing for the evaluation of the economic impacts of these new stations. If all goes well, he suggests a move to full service with less adjacency protection, as warranted by experience.

H.R. 3439 follows the suggestions of Commissioner Power. Under the bill, the FCC may go forward immediately licensing LPFM stations as long as interference protections to existing stations are maintained, including protections to third adjacent channels. At the same time, the legislation requires the FCC to set up an experimental program in nine markets to test whether LPFM will result in harmful interference to existing stations if third channel protections are eliminated. Additionally, the legislation provides that an independent party will conduct a study of the affect of LPFM without third-adjacent channel on digital audio broadcasting and radio reading services for the blind.

While the spirit of the rule allowing the creation of low power FM service may be commendable, we must not act in a rash manner and allow it to be implemented before we are positive that it will not negatively impact existing stations. Radio, particularly in rural areas, is an important source of information. For some individuals it is the only source of local news they receive. If we allow these new low power stations to co-exist with established stations without ensuring that there is no interference we may be doing more harm than good.

H.R. 3439 provides an effective balance by allowing new low power FM stations to be established while simultaneously protecting existing stations from interference. Furthermore, the bill provides for an experimental program, in nine separate markets, to test the interference that will result if third adjacent channel protection. If the results of this test are successful it is foreseeable that these restrictions may be lifted sometime in the future. However, until we have conclusive proof that these low power stations do not significantly interfere with existing stations, we simply cannot allow them to share the same frequencies with existing stations. Existing stations provide services as valuable as those proposed by the new low power stations and individuals are entitled to receive them as clearly as possible. The channel adjacency rules apply to full power stations because of this and it should apply to low power stations until we can prove that the interference they generate is minimal to say the least.

Mr. BARR of Georgia. Mr. Chairman, I rise in support of the Radio Broadcasting Preservation Act of 1999, H.R. 3439.

This legislation sends a strong message that there will be no interference to free radio. H.R. 3439 would require the Federal Communications Commission (FCC) to maintain third-adjacent channel protection, and to consider

independent analyses of potential Low Power FM (LPFM) interference before proceeding.

In January 2000, the Federal Communications Commission voted to implement an expansive licensing process. Congressman MIKE OXLEY and JOHN DINGELL working with Congresswoman HEATHER WILSON, have fashioned legislation which would slow licensing from 400 stations to roughly seven. The FCC will then test and determine whether the broadcasts cause interference with mainstream stations. I want to commend these Members for their hard work on this very important legislation.

Mr. Chairman, in today's easy access to communication, there exists great belief that the average American should have the ability to “speak out and be heard.” Talk radio, newspapers, magazines, television, public television and radio, and the Internet, all allow anyone to get a message across. How can the FCC say—with a straight face—there is “no access?”

“Low Power FM” is a “social” agenda based on the idea that everybody can own their own radio station. Of course this appears enticing—but the laws of physics have not been repealed and it cannot be accomplished. Low power radio stations signals will only cause interference to the radio stations already located on the spectrum. This latest effort being made will come only at the cost of severely damaging the most successful broadcasting system in the world—American FM radio.

If you want to know that chaos is, then turn across the AM band and hear the vast amount of interference the FCC has allowed to creep into that band. No wonder everyone wants FM; the FCC has virtually ruined AM band.

The FCC was founded on administering basic principles of engineering. However, to meet the Administration's “social agenda,” the FCC has thrown engineering and testing out the window. The FCC promises it will “guard” this new experiment. Mr. Chairman, you and I both know the FCC does not have the manpower to take care of the radio stations currently out there, much less hundreds more. In addition, the FCC could severely hurt the long-awaited entry into “digital” radio by American broadcasters. Low Power FM is a bad decision that should be reversed.

Mr. Chairman, today's legislation is a step in the right direction to protect the FM radio stations in Georgia and across the Nation. The importance of this issue came to my attention from my good friend, and a leader in the field of radio broadcasting, Mike McDougald, of Rome, Georgia. On behalf of all the individuals who have dedicated their lives for the advancement of FM radio, I call on my colleagues to support the Radio Broadcasting Preservation Act, H.R. 3439.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the order of the House, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3439

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Radio Broadcasting Preservation Act of 2000".

**SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS REQUIRED.**

(a) **THIRD-ADJACENT CHANNEL PROTECTIONS REQUIRED.**—

(1) **MODIFICATIONS REQUIRED.**—The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99-25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) **CONGRESSIONAL AUTHORITY REQUIRED FOR FURTHER CHANGES.**—The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A), or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99-25 (47 C.F.R. 73.853),

except as expressly authorized by Act of Congress enacted after the date of enactment of this Act.

(3) **VALIDITY OF PRIOR ACTIONS.**—Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modify its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b) **FURTHER EVALUATION OF NEED FOR THIRD-ADJACENT CHANNEL PROTECTIONS.**—

(1) **PILOT PROGRAM REQUIRED.**—The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than 9 FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) **CONDUCT OF TESTING.**—The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) **REPORT TO CONGRESS.**—The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question immediately following another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer a preprinted amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in the CONGRESSIONAL RECORD offered by Mr. BARRETT of Wisconsin:

Page 4, beginning on line 9, strike paragraph (2) through line 20 and insert the following:

(2) **REQUIRED DURATION OF MODIFICATION: PERMANENT CONDITIONS.**—The Commission shall not modify such rules to eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A) until 6 months after the date on which the Commission submits the report required by subsection (b)(3). No such elimination or reduction may remove such separations with respect to third-adjacent channels occupied by stations that provide a radio reading service to the public. The Commission shall not extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99-25 (47 C.F.R. 73.853).

Page 6, line 19, insert before the period the following: " , or 6 months after the date of enactment of this Act, whichever is later".

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to put this debate into perspective.

We have heard a lot about a compromise tonight. The party, of course, missing from this compromise is the administration. The President has told

this body that he is strongly opposed to this bill and will veto it. I think that is something, when we talk about compromise and how there is peace in the valley, that we have to remember that there is something else that is going on here that is not really being fully explored tonight.

What I am trying to do tonight, along with the gentleman from Illinois (Mr. RUSH), and I am pleased that he has worked with me on an amendment, is to offer an amendment that really is a compromise, that tries to respond to what I consider to be some of the legitimate concerns that have been raised by radio station operators in this country, but at the same time, not to have Congress step in, strip the FCC of its authority, and micromanage microradio.

Mr. Chairman, this debate is really the legislative equivalent of, your mother wears army boots. We have had fights for the last several months between the proponents of low power radio and the opponents of low power radio. They are fighting over a study. The FCC does not like the study that has been prepared by the industry. The industry says that the FCC has not done a good enough job in studying this issue. So they go back and forth, back and forth, yelling at each other.

So the amendment that was offered by the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from New Mexico (Mrs. WILSON) I think is a constructive amendment. It recognizes that in order for Congress to act intelligently on this issue, it has to have an independent study.

I have no quarrel with that. I think it addresses the legitimate technical concerns that have been raised by people who run radio stations in this country. I say that as someone who is a strong supporter of low power FM radio. I want Congress to have an independent analysis of this issue.

But this is where we separate, because the Barrett-Rush amendment makes one change and one change only to this bill. It would give Congress 6 months to act after the FCC submits its report. After 6 months, if Congress has not acted, the FCC may proceed with low power licenses.

Why is this amendment important? The reason why this amendment is important is because we do not have a level playing field here. On the one hand we have the radio stations, who have made it very, very clear that, regardless of the outcome of this study, they oppose having any type of expansion to low power FM stations.

On the other side we have the FCC, but the FCC really is speaking for groups that have no voice, by definition. They do not have radio stations. They do not have a powerful lobbying organization. They are the churches, the high schools, the neighborhood organizations.

What the bill does in its current form is it says even if this independent study comes back and says there are no

interference problems, even if there are no interference problems, the FCC cannot continue to do the job it has done for the last 80 years, which is to make sure that the spectrum is filled in a fair way.

Instead, it says that Congress has to act first. I do not think there is a person in this room who believes that the opponents of low power FM radio are going to come back and say, okay, go ahead, change the law. Because even though we have this study here, the bill ultimately still builds a very strong fence. This is a "fence me in" bill.

It says to those people who currently have stations, we are going to build this big fence around you and we are not going to let anybody else in. That is wrong. The people in this Chamber who say they are in favor of competition, the people in this Chamber who say they believe in advances in technology I think should say, wait a minute, wait a minute.

We recognize if this study comes back and says that there are problems with interference, this Congress can act in a week. It is not going to take us 6 months. If there is a problem this Congress is going to act very quickly, because frankly, we are going to have powerful forces, just as we have powerful forces right now saying, quick, make sure there is no problem.

If there is no problem, my concern is those same forces are going to come in and say, yes, well, maybe it does not show this, it does not show that, but we are still concerned about that.

What this amendment does is it allows this bill to move forward. Under its current form, it is going to be vetoed by the President of the United States. I think we should be addressing the legitimate concerns, the legitimate technical concerns. That is why I am offering this amendment.

We have two choices, we can go forth with this bill right now, face a certain presidential veto, or we can accept this amendment. I think the President and the Senate will say, all right, that makes sense. Of course we want to have an independent study. Of course we want the FCC to continue its role. But there is no reason in the world that Congress should be micromanaging these stations.

I would bet, Mr. Chairman, that the radio stations themselves would rue the day that they wanted this Congress to get involved in the small, technical matters of the FCC. They do not want us to do that, generally speaking. They want us to stay out of it. But in this instance, they think that they can benefit.

Mr. Chairman, this is a reasonable amendment. I certainly ask my colleagues to support it.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first indicate this bill was reported by the committee in a bipartisan voice vote. It was an amendment that we finally came to

with the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Michigan (Mr. DINGELL) leading the way, that really set out, I think, the parameters of what this program is all about.

It allows the LPFM to go forward in areas where it does not infringe on existing interference protections: in a lot of rural areas, in the New Mexico example, in many areas of the country that are underserved by FM radio. We bent over backwards to make certain that that could go forward.

Then we also said, but it is important in these areas that potentially have interference problems to have a pilot study done and find out once and for all whether in fact these interference standards are adequate, or whether in fact the incumbent radio stations will have problems with interference and their listeners will have interference with that.

□ 1915

This is really what this argument is all about. The Barrett amendment undercuts the purpose of this legislation by allowing the commission to go forward with full implementation of its lower-power FM rule, including the weakening of interference protections following the pilot program regardless of what the results of that program are.

So we are saying there is the FCC. The Barrett amendment simply says, do not confuse us with the facts. No matter how that pilot program comes out, one can go forward just as one is going forward now.

Now, there is a certain reason why congressional intent is important, and that is why we are debating this today. Is it really realistic to have an FCC, an unelected Federal bureaucracy, a so-called independent agency set these kinds of important standards against the obvious intent of the Congress? I do not think so.

The amendment allows the FCC to proceed with its rule as currently ordered, unless Congress enacts legislation to overturn this in a 6-month period. Well, I have perhaps a little less faith in the alacrity with which this Congress could act or any Congress could act perhaps than the gentleman from Wisconsin (Mr. BARRETT). As a matter of fact, everybody knows that in this town it is a lot easier to play defense than it is to play offense.

So my colleagues are asking the Congress to pass a bill that would or would not be vetoed by the President in that 6-month period. We do not know whether that happens or not.

But to allow the FCC to go forward with the test and then, say, essentially thumb their nose at the test results and move forward with granting these licenses is the height of irresponsibility.

So I would ask the Members to defeat this Barrett amendment, to support the bipartisan compromise that was crafted so well in this committee, and

understand that this bill came out on a bipartisan voice vote in the Committee on Commerce with strong support on both sides of the aisle.

Let us defeat the Barrett amendment and get to the real issue here, which is protecting incumbent stations from potential interference from these new low-powered FM stations.

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the issue of whether these low-power FM stations cause interference must be addressed. We sat in the committee, observed and listened to both the FCC and the broadcasters. We were privy to the debate, the unsettled debate about whether or not low-power stations actually cause interference.

I am in support of a middle ground. I am in support of finding a middle ground, Mr. Chairman, so that we can move forward. The amendment, the Barrett-Rush amendment that we are offering today reaches a fair compromise. I think that it is fair, not only to the low-power radio, FM radio station advocates, but it is also fair to the broadcasting industry. It is fair to the American people, and it is fair to the Members of this body. It provides 6 months for the FCC to conduct its pilot study and 6 months for the Congress to create the study's results.

Mr. Chairman, as the bill of the opponents of this amendment, the bill that they have crafted, if it goes forward, it does not give the FCC any opportunities to activate and to allow community organizations, hospitals, students across this Nation access to the airwaves.

Unfortunately, Mr. Chairman, the way that the bill is drafted now, the FCC would have to conduct a study by February 1, 2001. That is just a mere months away. If the FCC study or report indicates that there is no interference, the FCC still would not be allowed to act unless Congress specifically authorizes new legislation. So what this bill in fact does, Mr. Chairman, this bill actually kills low-power radio stations in this Nation.

Again, Mr. Chairman, the Barrett-Rush amendment is fair. I would like to just remind my colleagues that low-power radio stations enjoy broad support from the AFL-CIO, Communications Workers of America, the United States Catholic Conference, the United Church of Christ Office of Communications, the Consumers Union, the Minority Media Telecommunications Council, the National Federation of Community Broadcasters, the National League of Cities, and nationally known musicians, including Ellis Marcalis and Bonnie Raitt.

I urge my colleagues on both sides of the aisle, Mr. Chairman, to vote for this fair and reasonable amendment.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentleman from Illinois (Mr. RUSH) and

the gentleman from Wisconsin (Mr. BARRETT). Not long ago, not very long ago, I read about a 21-year-old man who built his own radio transmitter. He was able to broadcast a signal of a distance of just 2 miles. This was far enough to reach everyone in his community. The problem was, of course, he was the only one who had a receiver. That was back in 1895. The name of that gentleman was Guglielmo Marconi, who invented the radio.

But if he were here today, he would have to overcome a lot more than just that obstacle of one receiver. For instance, he would have to come up with \$80,000 to \$100,000 before the FCC would even consider giving him a license. He would have to overcome something else that the gentleman from Massachusetts (Mr. MARKEY) alluded to on the floor, and that is the continuing concentration of power in the broadcast industry.

In recent years, the number of radio station owners in this country has shrunk by almost 20 percent. That is why the measure that we are considering today is so important and why this amendment is important. To the credit of the FCC and Bill Kennard, some new life is being breathed into a very old idea, an important idea, the public airwaves should be the public's interest. That is what the FCC did when it carved out a small piece of the broadcasting spectrum for community-level low-power FM stations.

Who will it help? It will help many community organizations who are now shut out, ethnic groups who want to broadcast their culture to the community, senior citizens who want to broadcast their concerns to the community, colleges and universities who want to talk to their students, city councils and villages who might want to broadcast what is going on in their committees and in their council meetings. It goes on and on of the groups that will have an interest in this issue that will be able to get into broadcasting that cannot today.

Musicians who are locked out in a very profound way from experimenting and expressing themselves on radio today would have an opportunity to do so as well.

So a forum for new music and new talent and new ideas, that is what radio should be all about. That is what the FCC plan I think will help achieve. That is why, as the gentleman from Illinois (Mr. RUSH) said, low-power radio has earned the support of the cross-section of organizations throughout America today, including the Consumers Union, the United States Catholic Conference, the NAACP, the AFL-CIO, the U.S. Conference of Mayors.

These are organizations that represent grassroots people who need a voice, who often do not have a voice, and who are now hopefully going to get a voice if they are not denied that by the powerful lobby that they are up against in this fight.

It is time that we tune out the static and that we listen to the facts. This is a reasonable solution, as the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have indicated, because the research shows that, even under the worst circumstances, low-power radio would create little interference and no cross-talk for conventional broadcasters.

There are already almost 400 full-power FM stations authorized prior to November of 1964 who do not meet the current channel separation requirements. These full-power stations which operate with only one or two channels between them and the next station on the dial have consistently met the FCC's criteria for distortion-free signals.

So I ask my colleagues to support this amendment. It is good. It is fair. It meets the needs of our communities.

Mr. BURR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). This amendment deals with the crux of the problem Congress is facing on low-power FM interference.

The FCC chose to eliminate decades-old third-channel interference protections in order to shoehorn in more low-power FM stations. The House Committee on Commerce said wait a minute. After hearings and debate in subcommittee and full committee, my colleagues and myself said low-power FM can go forward and should go forward immediately, but Congress must protect all radio listeners by maintaining third-channel interference protections.

Now, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have agreed that we should put into law third-adjacent channel protections for any radio station that sublets, if you will, some of their spectrum to very important blind reading services, services that the FCC ignores in their ruling.

So the authors of this amendment are saying that the FCC got third-channel protections wrong for these unique and critically vital blind reading stations. But for all other broadcasters who may cover local high schools, sports, or provide Spanish language broadcasts, or our public radio affiliates, one cannot, and I repeat, cannot have third-channel protections under the law.

What if stations decide to offer some of their auxiliary spectrums to blind reading services? Does the FCC then have to go back and protect the third-channel from interference and shut down existing low-power FM stations?

This amendment is ill conceived and flawed. I urge my colleagues to vote no.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. This amendment by the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) is a good amendment, and I ask my colleagues to accept it. It is a modest change to H.R. 3439. It is a good amendment, and I only wish it went further.

The promotion of competition and diversity in broadcast has been the guidepost of American communications policy for over 50 years. We are currently experiencing unprecedented consolidation in this industry, however; and we cannot ignore its implications. Today, broadcast remains the way most Americans get their local news and information. Yet, there are fewer and fewer companies that control the content of the information they receive.

That is why more than 2 years ago, FCC Chairman Bill Kennard proposed a new low-power FM radio service. It is a noncommercial service that will allow local churches, schools, community-based organizations, and governments to strengthen the ties in their communities. It is localism and diversity in the purest democratic sense.

The FCC took its responsibility to protect the signals of incumbent broadcasters very seriously. They spent more than a year conducting lab tests and reviewing the potential for signal interference. It also extended its comment period in the rulemaking proceeding and scaled back its original proposal in an effort to address the incumbent broadcasters' concerns. For any objective viewpoint, the FCC bent over backwards to accommodate the concerns broadcasters raised.

The FCC's extensive tests have shown that low-power radio will not harm existing signals. Chairman Kennard has vowed publicly time and again to protect every incumbent FM service from interference.

H.R. 3439 effectively kills low-power radio. It prevents the FCC from issuing all but a small number of licenses and requires more studies into next year. New legislation would be required to permit the program to move forward once the studies are completed.

The Barrett-Rush amendment would simply permit the FCC to implement the program 6 months after the new round of studies is completed, and it has demonstrated again that interference is not a problem.

Passage of H.R. 3439 without the Barrett-Rush amendment will end the promise of greater localism and diversity that noncommercial low-power radio can bring.

□ 1930

I urge my colleagues to vote for this amendment and to vote against the legislation if this amendment is defeated.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today first to declare a conflict of interest. I am a

community radio broadcast station owner and operator and have been for 14 years. My father started in this business in the late 1930s. There has never been more diversity on the dial and more stations than there are today.

Now, my stations are in a small community; 20,000 in the county and 23 in the other. We do the very things that my colleagues are talking about today that they want: Spanish programming, programming for seniors, and so do my colleagues in the industry. And that is what I am standing up here today to talk about, is the public service and community service that is today provided to people in America by their community broadcasters.

This amendment, though, is bad. Now, I am not a radio engineer, although I have spent time inside transmitters with my engineer. My engineer is a fan of low-power FM. He is very supportive of it. He and I disagree on this. But when it comes to the technical issue of LPFM, I want to read my colleagues what he said to me.

"My position on this is not to kill LPFM, but to pressure the FCC to consider revising at least the rules that would be most harmful to full-power FM stations. This rule appears to be the worst. Protecting against interference to a station's protected contour has been a bedrock issue with the FCC." He says, "Perhaps most disturbing were the rules for future full-power FM's. It appears that predicted and actual interference would have to be caused within a future station's 70dBu 'city grade' contour, before the full-power station could have any relief from LPFM interference. Interference from there on out to the 60dBu contour would just have to be tolerated by the full-power station."

That is why the FCC was created in the beginning, was to sort out these technical interference problems. That is why this amendment is not a good one and why it ought to be defeated and why we ought to run out the test the way the bill envisions and do it in that respect.

I have heard from community broadcasters; I have heard from Jefferson Public Radio concerned about the potential interference with their translator system on public radio. We have a great opportunity to move forward with the legislation that the chairman and the ranking member has offered, and I think this amendment is the wrong direction to go. From a technical standpoint, it is flawed and it will hurt the process.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Barrett amendment. If we were going to take all of the red herrings that have been spread before this body in this debate, we would have to put an aquarium in the middle of the well. This is absolutely one of the most misrepresented Federal Communications Commission efforts of all time.

Now, how do we know this? We know this because we have to test the hypocrisy coefficient. Now, how would we apply that in this particular instance? Well, what we would do is we would look at the 300 high-powered FM radio stations that the National Association of Broadcasters asked to be grandfathered by the Federal Communications Commission in 1997.

Now, we are not talking about 100-watt radio stations, these small non-profit community-based radio stations. Hundred watts. No, we are talking about 50,000 watt radio stations, 10,000 watt radio stations, 5,000 watt radio stations that all operate within the second and third adjacent channels, just with these 100-watt stations.

So the NAB did a big study of these 300, 50,000, 10,000 and 5,000 watt stations. And after a completely detailed eye-watering analysis of the science of these radio stations, here is what they found: that every one of those 300 stations was a dues-paying member of the National Association of Broadcasters and they shall be grandfathered, regardless of their interference that they were going to be causing in the second and third adjacent channels.

Now, who are these channels? Well, my colleagues might have heard of some of them: KCBS, KLAX, KBCD, KYCY. Fifty, 50, count them, 50 high-powered radio stations in California, 24 in Illinois, 25 in North Carolina, 28 in Ohio, 24 in New York, 17 in New Jersey. Go right down the list. So KCBS, operating within the second and third adjacent channel, that is no problem. But a 100-watt station operated by a community church in South Central L.A., oh my God, stop the presses. Let us get the FCC out of this business and have an independent study, says the NAB. The NAB.

Now, why is this? Well, it is very simple. Here is their philosophy. They already got theirs. They are in. They are the incumbents. Pull up the gang plank. There is no room for these poor community groups, churches, minority groups. Oh, my God, how can we figure this out? Let us study it for a year, and then even if they find there is no interference, and, by the way, if they use the same standard that the NAB used with these 300, and that is all we are really talking about here in low power, by the way, only about 300 low power, if they use the same standard they will not find any interference.

But what does the Oxley bill say? Even if they do not find any interference, they still have to come back to Congress. They still have to come back and get permission. And when will that be? When do my colleagues think the NAB will let that happen out here?

So what the Barrett amendment says is, study it. But if they do not find any interference, if they find the same thing that the NAB found in 1997, when they analyzed whether or not their 300 radio stations, the huge 50,000, 10,000, 5,000-watt radio stations caused interference, then license the little 100-watt

community-based radio station. Why not do that? But, no, even the Barrett amendment is unacceptable to the NAB.

My colleagues, unless we want to completely ignore the facts, unless we want to completely ignore the history of FM radio in our country, and by the way these 300 stations that got their licenses back in the 1960s, they were only grandfathered. So they have been causing this interference or, more accurately, not causing this interference for 30 years now. So what is the likelihood that the FCC is going to be unable themselves, in order to determine whether or not 100-watt radio stations are causing this problem?

So, my colleagues, I think if right now these 50,000-watt stations are not provoking any complaints in L.A.; if we are not hearing it on KCBS, if we are not hearing it on KLAX, we are not going to hear it on the 100-watt stations. The consumer complaints are not out there.

So I urge a very strong "aye" on the Barrett-Rush amendment. It is wise, it is timely, it is important for us to get these small voices out into the communities of our country with the ever-consolidating huge radio industry making it harder and harder for minorities, women, and for smaller voices in our society to have their independent voices heard.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend, the previous speaker, indicated the Barrett amendment provided that this test would go forward, and then if the commission did not find any interference, it could move ahead and grant these low-powered stations. That is not what the Barrett amendment says.

The Barrett amendment says that in 6 months, regardless of whether the commission finds interference, it can move forward with the issuance of these low-powered station licenses.

Let me say it again. The bill says they have to do this study and report back to Congress and then Congress will say yes or no, proceed, based upon the results of that study. The amendment by the gentleman from Wisconsin (Mr. BARRETT) says to the FCC that they can proceed in 6 months regardless of whether the independent study produces a finding of interference. Do we really want to vote for that?

Incredibly, the Barrett amendment makes one exception. It says even in 6 months the commission cannot remove the protections against interference for radio reading services to the public. Now, that is a very important service, but if radio reading services to the public deserve this protection from interference, do we not think other minority stations deserve that protection? Do we not think National Public Radio deserves that protection? Do we not think the local radio broadcasting station deserves that protection? Or would we rather have this report come back

to Congress saying there will be all kinds of interference, but the commission is going to move ahead anyhow whether or not it interferes with the local station, with the minority station, with the community broadcast station, or any other station that exists in our communities?

The FCC came up with this proposal. This is not a legislative proposal. The FCC decided to propose this new service. The FCC decided to propose it and then decided to implement it in spite of the fact that radio stations across America expressed concerns to the Members of Congress, whom the FCC is supposed to be answerable to, to check it out first to make sure it would not interfere with listening audiences around the country.

When we invited Chairman Kennard to come and tell us about it, he declined the offer to testify. He sent an engineer instead. So we had a battle of engineers. We listened to the FCC lab test, which said that it is okay to do this stuff. And then we heard from other engineers, who had test results that indicated all kind of talk-over, all kinds of interference problems on all kinds of cheap inexpensive radios; the Walkman, the boom boxes, the radios next to the bedside. And the FCC's answer was, oh, those radios are inexpensive. They are not designed well; and, therefore, we do not care whether it interferes with those radios. It is okay to interfere with those radios. To 65 million Americans, it is okay to interfere with their radio listening because they bought an inexpensive radio. Shame on them. That is the attitude of the FCC here.

If we adopt this amendment, we give the FCC authority to move forward in spite of the fact that it interferes with these less expensive radios. We give them the authority to move forward in spite of the fact it might jam up in a digital age and completely block out the signal of National Public Radio stations in our communities, or our community broadcasters in our communities, perhaps our minority language broadcasters in our communities. We give them the go-ahead and say it does not matter that they are supposed to be subject to Congress; they can do what they want, when they want to do it.

And guess what? Tick off the 6 months with me. This bill gets through the House tonight, and it goes over to the Senate. Maybe the Senate passes it in May. Count them off for me. All of a sudden we are in December. Are we in session? No. We are not in session in December. The FCC even may go out of office next year. We do not know who will be in the FCC next year. But in December the FCC proceeds with the issuances of all these licenses whether they interfere or not. We come back in session next year, and we have to start shutting licenses and radio stations down. Do we really want to be in that pickle? Do we really want to start shutting radio stations down across

America because they were licensed incorrectly?

We have an obligation in Congress. We have an obligation to direct the FCC when it comes to the way the spectrum is used in America. We have an obligation to every radio listener not to let them issue licenses that are going to interfere with their listening. And yet the FCC is asking us in this Barrett amendment to do what they want regardless of the test results, except to protect one small little provision of service called radio reading.

I suggest to my colleagues this is an ill thought-out amendment. This undoes the bill. The bill does not shut down FM low power. It lets 70 stations go forward immediately. Immediately. And it simply says for the rest, go the through not the lab test, the field test.

I urge my colleagues to reject this amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we like careful regulation, if we like responsible behavior by the regulatory agencies, if we expect the regulatory agencies to do their job carefully, then we have no choice but to oppose the amendment offered by my good friends, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH).

The simple fact of the matter is the FCC did several things. First of all, they changed the standard which was previously signal-to-noise ratio, which covered and described whether or not there was interference that was unacceptable. Second of all, they changed so that now we may no longer use the test of the third-adjacent channel.

My friend, the gentleman from Massachusetts (Mr. MARKEY), said that the FCC was not opposed to this in that event by the broadcasters.

□ 1945

In point of fact, the broadcasters oppose the grandfathering of those higher powered stations.

Now, the issue here, and I want my colleagues to understand this very clearly, is not the question of interference as it impacts upon the broadcasters. Although that is important. It is the interference as it impacts upon the listener.

In 1927, the Radio Act was set up to assure that we restored order to the broadcast channels by eliminating the wild interference and the wild placement of stations, which made the entire spectrum almost useless and impossible to listen to.

What the traditional standard was, then, was the third adjacent channel. In addition to that, it was signal-to-noise ratio, which enables them to tell what in fact is going on from the standpoint of the listener. No test on these points was made by the FCC.

The FCC simply wants to disregard the traditional standards and the traditional methods of measuring whether

or not interference exists and will impact upon the listeners.

Now, everybody is making the great pitch that this bill here is going to hurt minorities. In point of fact, it is going to impact most heavily upon benefitting, if we pass this legislation, minority listeners and minority broadcasters because they will receive the assurance that they will get proper protection of both broadcasting and the listeners' concern.

Now, the point has been made, well, if they have got an expensive radio, they do not have to worry. Well, that is an argument that I find very distasteful, because the simple point of fact is that the minorities and the poor and the people who have most need of radio service are the people who can least afford an expensive radio.

We are not talking about shower radios or things of that kind. We are talking about clock radios, inexpensive radios, radios that are used by minorities and by people of limited means.

What the amendment does is it assures that the FCC will have to make a proper test and that the test will be accomplished by an independent testing entity. I think that is fair and proper. And then it lets the Congress make the decision.

Now, I want to remind my colleagues of something that Sam Rayburn told the chairman of the FCC when he got out of hand. He said, Now, son, remember that you work for us and everything will be all right.

The Congress is the body that has created the FCC to function under delegated authority. It is our responsibility to look after the FCC and see to it that their proceedings are fair, to see that their proceedings consider all the questions and are conducted in the proper fashion, and to see to it that the people who are dependent upon radio service get fair treatment.

Remember, at stake here are rights of minorities, people of limited means, and public broadcasting. That is what really is in question, and the question of whether or not proper service is afforded the people.

There will be literally hundreds of stations which will go on the air of low-power character. There will be at least 70 of them in major centers. And in areas below 50,000 markets, we will find that there will be an awful lot of broadcasters who will go on and utilize these low-power systems.

That is the way it should be done. And then we can have a fresh look; we can come to a judgment as to whether or not the test says that we ought to permit the FCC to go forward. At that point a proper decision can be made.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) and their interest in protecting the minority community. And I am sure they are sincere. I just happen



to disagree with them on this issue about whether this is protective of the minority community or not. But that is not the point that I rose to make.

Actually, some of my very best friends are owners of commercial radio stations and own interests; and they deserve to have their signals protected, which is why the underlying purpose of the bill is a good purpose. There needs to be a study.

But I will guarantee my colleagues that, at the end of that study, those same friends of mine will, regardless of the outcome of that study, even if it says that there is no interference, they will be here saying do not take action because they will be trying to protect their own economic interest. And I do not have any problem with that.

But I know that they have enough power in the process to keep any kind of bill from coming that will allow these low-power FM stations to go forward even if the study says there is no interference. And that is why I support the amendment of the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). Because this is really a question of who is going to play offense and who is going to play defense.

I know the commercial stations have the power to play offense. If this study shows that there is any kind of interference, this Congress will respond to the commercial radio stations, and I know that.

But I do not have that same kind of assurance about the minority community and small institutions and small colleges having the power to move Congress to do something to respond. And I think we ought to put the burden on the commercial stations, which is exactly what the amendment of the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) does.

If there is a finding that there is really interference, I guarantee my colleagues they will be here and their interest will be protected. And I will probably be on their side because a lot of them are my good friends, and my supporters I might add.

But in the absence of some overwhelming finding, the burden should be on them and not on the community. The airwaves belong to the community in the final analysis.

#### PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. OBEY. Mr. Chairman, does the Chair think that we might obtain the vote faster if it were indicated that a number of us are inclined to vote for whichever side stops talking first?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, recognizing my colleague's last statement, I certainly will not take the entire 5 minutes. But I do

believe I would like to comment on this bill.

I sat in on the committee hearing and I listened intently. This is a very important issue. Clearly, we do need more diversity of voices in the media.

Mr. Chairman, at the same time, however, it came to light in the committee that there were concerns and legitimate concerns about the quality of signals and the possibility of interference. And so, the concept of a study I think makes eminent good sense.

The concern I have, as has been articulated by my colleague the gentleman from North Carolina (Mr. WATT), is simply this: Why should we absolutely have to come back to Congress before any action can be taken?

Let us put the burden on the broadcasters to say this is a bad idea. If the study comes back and shows that we can have diverse voices think low-power radio without any significant interference, then we ought to move forward.

My father is blind. He listens to the radio as his primary source of communication with the outside world and certainly wants a clear signal. But I think I also want the opportunity to have other voices heard if they could be done without interfering with my father's portable radio.

With that in mind, I support this amendment. I believe it is a fair and reasonable approach that will allow us to move forward if there is no interference with the signal and allow these diverse voices.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the Barrett/Rush Amendment to the Radio Broadcasting Preservation Act. I believe that the Barrett/Rush Amendment will strongly expedite the availability of low-power licenses to local communities.

This Radio Broadcasting Preservation Act would require the FCC to modify its low-power FM rule by establishing signal interference standards for low power FM stations that are equal to existing standards for full power FM stations. On January 20, 2000, the FCC adopted a new category of radio services that permits the issuance of licenses for low-power, non-commercial community FM radio stations. Under the FCC's rule, the new service would consist of 10-watt and 100-watt stations with a broadcast radius of about 1-2 miles and 3.5 miles.

For many years, the FCC received thousands of inquiries annually from individuals and groups wishing to start low-power radio stations for small communities. The FCC decision to offer low-power licenses will enhance community oriented radio and increase diversity in our Nation's communities.

Local communities and historically underrepresented groups such as, civil rights groups, students and educational organizations, labor unions, churches and religious groups, and many other community organizations have expressed support. In addition, many nonprofit entities providing public safety announcements and local transportation have also expressed support.

However, organizations and some broadcasters are opposed to the low-power FCC li-

cense rule, because they have expressed concerns that low-power frequencies will cause interference with existing broadcasters. For instance, many popular FM stations may experience static and unclear reception. Opponents have stated that the FCC acted hastily to appease the groups applying for low power licenses and that they did not fully consider the technical as well as economic consequences to established broadcasters.

I believe that the granting of low-power licenses by the FCC will offer significantly more opportunities for average Americans to become involved in broadcasting and spread their messages. In fact, many local minority broadcasters will have the chance to provide information to the communities where they operate. The Barrett/Rush Amendment will address the interference issue and speed up the availability of these coveted frequencies to those who may greater benefit from low-power access.

The Barrett/Rush Amendment permits the FCC to proceed with its plans to issue low-power licenses six months after the conclusion of the interference test period, unless Congress expressly takes action to prohibit it. The Radio Broadcasting Protection Act was introduced in order to curtail the FCC's ability to provide new licenses for non-commercial low-power FM radio stations to empower churches, schools, and other community groups to gain access to the airwaves.

The FCC proposal is intended as a response to the alarming trend of ownership consolidation in the radio industry, which has drastically decreased the number of local broadcasters on the air.

The Commerce Committee adopted a substitute to the Radio Broadcasting Preservation Act that would allow the FCC to grant low power radio licenses only in those 70 markets which satisfy the "third adjacent channel" protection from interference that applies to existing full power stations, and to test 9 markets whether low-power radio causes interference without the "third adjacent channel" protection. Once this testing is completed, the FCC must report the results to Congress.

The bill in its current form does not allow the FCC to act on issuing new low-power licenses, unless Congress specifically authorizes further action with additional legislation; even if the FCC studies find no interference is found in independent testing.

This bill also fails to recognize and inhibits the FCC's expertise in analyzing FM radio issues, including signal interference and spectrum management. Without the Barrett/Rush Amendment this bill is nothing but an unnecessary infringement on the FCC's ability to adapt decades-old rules to ever changing technology. This amendment is a fair compromise: it provides for Congress to exercise timely oversight, but removes an unfair impediment to legitimate action by the FCC with an issue clearly under its jurisdiction.

We can do better and we must do better. We owe it to the many churches, schools, non-profit community groups, colleagues, as well as state and local government agencies to go forward with providing access to low-power frequencies and to increasing diversity among our Nation's airwaves.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Barrett/Rush Amendment and in support of the FCC's Low-Power FM radio station proposal. The



Barrett/Rush amendment is a reasonable compromise to this legislation that would allow the FCC to continue work toward establishing these important communications tools.

Mr. Chairman, low-power FM stations would give churches, schools and local community groups access to the radio spectrum at a cost they can afford. These stations will only reach a couple of miles, but the message they will carry will reach many people. These stations will give churches a greater voice in the community. These stations will allow schools to set up in-house radio stations. Schools can train kids for a career in the radio industry, as well as provide announcements of school closures and after-school events. Local community groups will be able to contribute to the diversity of voices in their community while providing important information.

The bill we are considering today will effectively give Congress the ability to kill the low-power FM program. The Barrett/Rush amendment forces Congress to act on this proposal instead of allowing it to wither away. My colleagues and I have heard the concerns of broadcasters that these new stations will interfere with existing stations. This amendment will allow for further study to ensure that the integrity of the spectrum is maintained. However, it mandates that Congress will act on this proposal after the independent study on interference is completed. This amendment represents a more responsible compromise to allay the concerns of broadcasters while giving the FCC the ability to move forward with this program.

Mr. Chairman, I urge support of this amendment and low-power FM radio.

Let's give new strength to the voice of the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

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

## RECORDED VOTE

Mr. BARRETT of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 245, not voting 47, as follows:

[Roll No. 129]

## AYES—142

Abercrombie	DeGette	Jackson (IL)
Ackerman	Delahunt	Jackson-Lee
Andrews	DeLauro	(TX)
Baca	Dicks	Jefferson
Baldwin	Dixon	Johnson, E. B.
Barrett (WI)	Doggett	Jones (OH)
Becerra	Dooley	Kaptur
Bentsen	Doyle	Kennedy
Berman	Ehlers	Kildee
Bishop	Engel	Kilpatrick
Blumenauer	Eshoo	Kleczka
Bonior	Evans	Klink
Brady (PA)	Farr	Kucinich
Brown (FL)	Filner	LaFalce
Brown (OH)	Frank (MA)	Lantos
Capps	Gejdenson	Larson
Capuano	Gephardt	Lee
Cardin	Gonzalez	Levin
Carson	Gutierrez	Lewis (GA)
Clayton	Hastings (FL)	Luther
Clyburn	Hilliard	Maloney (CT)
Conyers	Hinchey	Maloney (NY)
Coyne	Hinojosa	Markey
Crowley	Hoeffel	Mascara
Cummings	Holt	Matsui
Davis (FL)	Hoolley	McCarthy (NY)
Davis (IL)	Hoyer	McDermott
DeFazio	Inslee	McGovern

McKinney	Pascrell	Smith (WA)
McNulty	Pastor	Snyder
Meehan	Payne	Stabenow
Meek (FL)	Pelosi	Tauscher
Meeks (NY)	Petri	Thompson (CA)
Menendez	Pomeroy	Thompson (MS)
Metcalfe	Reyes	Thurman
Millender-McDonald	Rivers	Tierney
Minge	Rodriguez	Towns
Moakley	Rothman	Udall (CO)
Moore	Roybal-Allard	Udall (NM)
Moran (VA)	Rush	Velazquez
Nadler	Sabo	Waters
Napolitano	Sanders	Watt (NC)
Neal	Sawyer	Waxman
Obey	Schakowsky	Weiner
Oliver	Scott	Weygand
Ortiz	Serrano	Woolsey
Owens	Sherman	Wu
	Slaughter	Wynn

## NOES—245

Aderholt	Frost	Ose
Allen	Gekas	Oxley
Archer	Gibbons	Packard
Armey	Gilchrest	Pallone
Bachus	Gillmor	Paul
Baird	Gilman	Pease
Baldacci	Goode	Peterson (MN)
Ballenger	Goodlatte	Peterson (PA)
Barcia	Gordon	Phelps
Barr	Goss	Pickering
Barrett (NE)	Graham	Pickett
Bartlett	Granger	Pitts
Barton	Green (TX)	Pombo
Bass	Green (WI)	Porter
Bateman	Gutknecht	Portman
Bereuter	Hall (TX)	Price (NC)
Berkley	Hansen	Pryce (OH)
Berry	Hastings (WA)	Radanovich
Biggert	Hayes	Rahall
Bilbray	Hayworth	Ramstad
Blagojevich	Hefley	Regula
Blunt	Hill (IN)	Reynolds
Boehlert	Hill (MT)	Riley
Boehner	Hilleary	Roemer
Bonilla	Hobson	Rogers
Bono	Hoekstra	Rohrabacher
Boswell	Holden	Roukema
Boucher	Horn	Royce
Boyd	Hostettler	Ryan (WI)
Brady (TX)	Hulshof	Ryun (KS)
Bryant	Hunter	Salmon
Burr	Hutchinson	Sandlin
Burton	Hyde	Sanford
Buyer	Isakson	Saxton
Calvert	Istook	Scarborough
Camp	Jenkins	Schaffer
Campbell	John	Sensenbrenner
Cannon	Johnson (CT)	Sessions
Castle	Johnson, Sam	Shadeegg
Chabot	Jones (NC)	Shaw
Chambliss	Kanjorski	Shays
Chenoweth-Hage	Kasich	Sherwood
Coble	Kelly	Shimkus
Collins	Kind (WI)	Shows
Combest	King (NY)	Simpson
Condit	Kingston	Sisisky
Cox	Knollenberg	Skeen
Cramer	Kuykendall	Skelton
Cubin	LaHood	Smith (MI)
Cunningham	Lampson	Smith (NJ)
Danner	Largent	Smith (TX)
Davis (VA)	Latham	Souder
Deal	Lazio	Spence
DeLay	Lewis (CA)	Spratt
DeMint	Lewis (KY)	Stearns
Deutscher	Linder	Stenholm
Diaz-Balart	Lipinski	Strickland
Dickey	LoBiondo	Stump
Dingell	Lowe	Stupak
Doolittle	Lucas (KY)	Sununu
Dreier	Manzullo	Sweeney
Duncan	McCrery	Talent
Dunn	McHugh	Tancredo
Edwards	McIntyre	Tanner
Ehrlich	McKeon	Tauzin
Emerson	Mica	Taylor (MS)
English	Miller (FL)	Taylor (NC)
Etheridge	Mink	Terry
Everett	Moran (KS)	Thomas
Ewing	Morella	Thornberry
Fletcher	Murtha	Thune
Foley	Nethercutt	Tiahrt
Forbes	Ney	Toomey
Ford	Northup	Traficant
Fossella	Norwood	Turner
Franks (NJ)	Nussle	Upton
Frelinghuysen	Oberstar	Visclosky

Vitter	Watts (OK)	Wilson
Walden	Weldon (PA)	Wise
Walsh	Weller	Wolf
Wamp	Whitfield	Young (AK)
Watkins	Wicker	

## NOT VOTING—47

Baker	Ganske	Miller, Gary
Bilirakis	Goodling	Miller, George
Bliley	Greenwood	Mollohan
Borski	Hall (OH)	Myrick
Callahan	Herger	Quinn
Canady	Houghton	Rangel
Clay	Kolbe	Rogan
Clement	LaTourette	Ros-Lehtinen
Coburn	Leach	Sanchez
Cook	Lofgren	Shuster
Cooksey	Lucas (OK)	Stark
Costello	Martinez	Vento
Crane	McCarthy (MO)	Weldon (FL)
Fattah	McCollum	Wexler
Fowler	McInnis	Young (FL)
Galgley	McIntosh	

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Messrs. LAHOOD, BARCIA and WATKINS changed their vote from "aye" to "no."

Mrs. MCCARTHY of New York, Mr. SHERMAN and Mr. METCALF changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri: Mr. Chairman, during rollcall vote No. 129, The Rush/Barrett Amendment to HR 3439, I was unavoidably detained. Had I been present, I would have voted "yes."

Ms. SANCHEZ. Mr. Chairman, during rollcall vote No. 129 on April 13, 2000 I was unavoidably detained. Had I been present, I would have voted "aye."

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

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

The CHAIRMAN. Under the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, pursuant to the order of the House of today, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the order of the House of today, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

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

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 110, not voting 50, as follows:

[Roll No 130]

AYES—274

Abercrombie	Frelinghuysen	Murtha
Aderholt	Frost	Neal
Allen	Gejdenson	Nethercutt
Andrews	Gekas	Ney
Archer	Gibbons	Northup
Armey	Gilchrest	Norwood
Baca	Gillmor	Nussle
Bachus	Gilman	Oberstar
Baird	Goode	Olver
Baldacci	Goodlatte	Ose
Ballenger	Gordon	Oxley
Barcia	Goss	Packard
Barr	Graham	Pallone
Barrett (NE)	Granger	Pease
Bartlett	Green (TX)	Peterson (MN)
Barton	Green (WI)	Peterson (PA)
Bass	Gutknecht	Petri
Bateman	Hall (TX)	Phelps
Bereuter	Hansen	Pickering
Berkley	Hastings (WA)	Pickett
Berry	Hayes	Pitts
Biggert	Hayworth	Pombo
Bilbray	Hefley	Pomeroy
Blagojevich	Herger	Porter
Blunt	Hill (IN)	Portman
Boehlert	Hill (MT)	Price (NC)
Boehner	Hilleary	Pryce (OH)
Bonilla	Hobson	Radanovich
Bono	Hoeffel	Rahall
Boswell	Hoekstra	Ramstad
Boucher	Hooley	Regula
Boyd	Horn	Reynolds
Brady (TX)	Hostettler	Riley
Bryant	Hulshof	Roemer
Burr	Hunter	Rogers
Burton	Hutchinson	Rohrabacher
Buyer	Hyde	Rothman
Calvert	Isakson	Roukema
Camp	Istook	Ryan (WI)
Campbell	Jefferson	Ryun (KS)
Cannon	Jenkins	Salmon
Capps	John	Sandlin
Castle	Johnson (CT)	Sanford
Chabot	Johnson, Sam	Sawyer
Chambliss	Jones (NC)	Saxton
Chenoweth-Hage	Kanjorski	Scarborough
Coble	Kasich	Schaffer
Collins	Kelly	Sensenbrenner
Combest	Kind (WI)	Sessions
Condit	King (NY)	Shadegg
Cox	Kingston	Shaw
Cramer	Klecza	Shays
Crane	Klink	Sherman
Cubin	Knollenberg	Shimkus
Cunningham	Kuykendall	Shows
Danner	LaHood	Simpson
Davis (VA)	Lampson	Sisisky
Deal	Largent	Skeen
DeLay	Latham	Skelton
DeMint	Lazio	Smith (MI)
Deutsch	Lewis (CA)	Smith (NJ)
Diaz-Balart	Lewis (KY)	Smith (TX)
Dickey	Linder	Souder
Dingell	LoBiondo	Spence
Doolittle	Lowe	Spratt
Dreier	Lucas (KY)	Stabenow
Duncan	Luther	Stearns
Dunn	Maloney (CT)	Stenholm
Edwards	Maloney (NY)	Strickland
Ehlers	Manzullo	Stump
Ehrlich	McCrery	Stupak
Emerson	McHugh	Sununu
Engel	McIntyre	Sweeney
English	McKeon	Talent
Etheridge	McNulty	Tancredo
Everett	Meehan	Tanner
Ewing	Mica	Tauzin
Fletcher	Miller (FL)	Taylor (MS)
Foley	Minge	Taylor (NC)
Forbes	Mink	Terry
Ford	Moore	Thomas
Fossella	Moran (KS)	Thompson (CA)
Franks (NJ)	Morella	Thornberry

Thune  
Thurman  
Tiahrt  
Toomey  
Traficant  
Turner  
Udall (NM)  
Upton  
Visclosky

Vitter  
Walden  
Walsh  
Wamp  
Watkins  
Watts (OK)  
Weldon (PA)  
Weller  
Weygand

Whitfield  
Wicker  
Wilson  
Wise  
Wolf  
Wu  
Young (AK)

## NOES—110

Ackerman  
Baldwin  
Barrett (WI)  
Becerra  
Bentsen  
Berman  
Bishop  
Blumenauer  
Bonior  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capuano  
Cardin  
Carson  
Clayton  
Clyburn  
Conyers  
Coyle  
Crowley  
Cummings  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dixon  
Doggett  
Dooley  
Doyle  
Eshoo  
Evans  
Farr  
Filner  
Frank (MA)  
Gephardt  
Gonzalez

Hastings (FL)  
Hilliard  
Hinchee  
Hinojosa  
Holden  
Holt  
Hoyer  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson, E. B.  
Jones (OH)  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Kucinich  
LaFalce  
Lantos  
Larson  
Lee  
Levin  
Lewis (GA)  
Markey  
Mascara  
Matsui  
McCarthy (NY)  
McDermott  
McGovern  
McKinney  
Meek (FL)  
Meeks (NY)  
Menendez  
Metcalfe  
Millender  
McDonald  
Moakley

Moran (VA)  
Nadler  
Napolitano  
Obey  
Ortiz  
Owens  
Pascarell  
Pastor  
Paul  
Payne  
Pelosi  
Reyes  
Rivers  
Rodriguez  
Roybal-Allard  
Royce  
Rush  
Sabo  
Sanders  
Schakowsky  
Scott  
Serrano  
Slaughter  
Snyder  
Tauscher  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Velazquez  
Waters  
Watt (NC)  
Waxman  
Weiner  
Woolsey  
Wynn

## NOT VOTING—50

Baker  
Bilirakis  
Bileley  
Borski  
Callahan  
Canady  
Clay  
Clement  
Coburn  
Cook  
Cooksey  
Costello  
Dicks  
Fattah  
Fowler  
Gallegly  
Ganske

Goodling  
Greenwood  
Gutierrez  
Hall (OH)  
Houghton  
Kolbe  
LaTourette  
Leach  
Lipinski  
Lofgren  
Lucas (OK)  
Martinez  
McCarthy (MO)  
McCollum  
McInnis  
McIntosh  
Miller, Gary

Miller, George  
Mollohan  
Myrick  
Quinn  
Rangel  
Rogan  
Ros-Lehtinen  
Sanchez  
Sherwood  
Shuster  
Smith (WA)  
Stark  
Vento  
Weldon (FL)  
Wexler  
Young (FL)

□ 2032

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read:

“A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.”.

A motion to reconsider was laid on the table.

Stated for:

Mr. KOLBE. Mr. Speaker, on rollcall No. 130, H.R. 3439, Radio Broadcasting Preservation Act, I was unavoidably absent. Had I been present, I would have voted “aye.”

Stated against:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 130, Radio Broadcasting Preservation Act, H.R. 3439, I was unavoidably detained. Had I been present, I would have voted “no.”

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 130 on April 13, 2000, I was unavoid-

ably detained. Had I been present, I would have voted “no.”

## PERSONAL EXPLANATION

Mr. COOKSEY. Mr. Speaker, due to my mother's illness, I was not here for the votes on H.R. 3615 or H.R. 3439. Had I been present, I would have voted “yea” on passage of H.R. 3615, “nay” on the Barrett of Wisconsin Amendment to H.R. 3439, and “yea” on passage of H.R. 3439.

## GENERAL LEAVE

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3439, the bill just passed.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 3308.

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

There was no objection.

## AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, May 2, 2000, the Speaker and majority leader and minority leader may be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MAY 3, 2000

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 3, 2000.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1396

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor on H.R. 1396.