I proposed the Director of National Intelligence bill in June 2002 and have introduced it again in this Congress. Yet we still have not had a hearing on that bill. It still has not moved. When I make inquiries, I am told: Now is really not the time. When is it going to be the time?

The Intelligence Committees of both the House and Senate are charged with oversight of the intelligence structure. But I do not believe we are doing our job in that respect with respect to the organization of our intelligence community.

One of the things, also, that I have learned is that man is capable of unspeakable violence, and in the case of 9/11, violence was the product of learned hatred—hatred that was conscientiously taught, that was drummed into tens of thousands, maybe millions, of people. Such hatred sows a field of violence and now this violence is all over our world.

As The New York Times points out today, in the 2 years since 9/11, the view of the United States as a victim of terrorism deserving the world's sympathy has changed. Remember the Le Monde headline right after 9/11 in France? It was: ''We are all Americans today.''

That view has given way to a widespread vision of America as an imperial power that has defied world opinion through unjustified and unilateral use of force. We must take heed of this and move to remedy it. We must listen more; we must build alliances; we must move multilaterally; and we must recognize that we need the help of others. Yes, we need the help of the United Nations.

In a world of asymmetrical warfare and terror, unilateralism is a flawed and unworkable doctrine. I believe the last 2 years have demonstrated that point.

I hope we take heed, I hope we listen. And I hope as we commemorate this very solemn day that we will dedicate ourselves to that listening, to working with alliances, to building partnerships, to encouraging the United Nations to work with us, and to dispelling arrogance and becoming the humble nation that we said we were going to be.

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECESS

Mr. SUNUNU. Mr. President, I ask unanimous consent that at 11:45 a.m., the Senate stand in recess until 1 p.m.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for not more than 6 minutes.

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

Mr. LEAHY. Mr. President, we remember the victims of the attack on this country 2 years ago today. Last year, Congress held a special session in New York on this day. As part of those proceedings, the poet laureate of the United States, Billy Collins, read a poem written for the occasion entitled ''The Names.'' He dedicated it to the victims of September 11 and to their survivors. I believe it appropriate to reread that poem again here today:

THE NAMES

Yesterday, I lay awake in the palm of the night.
A fine rain stole in, unhelped by any breeze,
And when I saw the silver glaze on the windows,
I started with A, with Ackerman, as it happened,
Then Baxter and Calabro,
Davis and Eberling, names falling into place
As droplets fell through the dark.

Names printed on the ceiling of the night.
Names slipping around a water bend.
Twenty-six willows on the banks of a stream.

In the morning, I walked out barefoot
Among thousands of flowers
Heavy with dew like the eyes of tears,
And each had a name—
Fiori inscribed on a yellow petal
Then Gonzalez and Han, Ishikawa and Jenkins.

Names written in the air
And stitched into the cloth of the day.
A name under a photograph taped to a mailbox.
Monogram on a torn shirt.

I see you spelled out on storefront windows
And on the bright unfurled awnings of this city,
I say the syllables as I turn a corner—
Kelly and Lee,
Medina, Nardella, and O'Connor.

When I peer into the woods,
I see a thick tangle where letters are hidden
As in a puzzle concocted for children.
Parker and Quigley in the twigs of an ash,
Rizzo, Schubert, Torres, and Upton.
Secrets in the boughs of an ancient maple.

Names written in the pale sky.
Names rising in the updraft amid buildings.
Names silent in stone
Or cried out behind a door.
Names blown over the earth and out to sea.

In the evenings—weakening light, the last swallows.
A boy on a lake lifts his oars.
A woman by a window puts a match to a candle,
And the names are outlined on the rose clouds—
Vanacore and Wallace,
(let X stand, if it can, for the ones unfound)
Then Young and Ziminsky, the final jolt of Z.

Names etched on the head of a pin.
One name spanning a bridge, another undergoing a tunnel.
A blue name needled into the skin.
Names of citizens, workers, mothers and fathers,
The bright-eyed daughter, the quick son.

Alphabet of names in green rows in a field.
Names in the small tracks of birds.
Names lifted from a hat
Or balanced on the tip of the tongue.
Names wheeled into the dim warehouse of memory.
So many names, there is barely room on the walls of the heart.

Our thoughts and prayers are first and foremost with all those who sacrificed their lives on September 11 2 years ago.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 1 p.m.

Whereupon, the Senate, at 11:44 a.m., recessed until 1:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. BUNNING).

DISAPPROVING FEDERAL COMMUNICATIONS COMMISSION BROADCAST MEDIA OWNERSHIP RULE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S.J. Res. 17, which the clerk will report.

The legislative clerk read as follows:

A Senate Joint Resolution 17 (S.J. Res. 17) disapproving the rules submitted by the Federal Communications Commission with respect to broadcast media ownership.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin with a brief opening statement about why we are here and what brings us to this point. My colleague from Arizona, who will speak in opposition to this resolution of disapproval, is here to make a presentation and my colleague with whom I have worked on this resolution of disapproval, Senator LOTT from Mississippi, is here and will make a statement. I believe others will arrive as well.

Let me describe what we are doing. There is a provision in Federal law that allows the Congress to effectively veto a rule offered by a Federal agency under certain circumstances. This is called the Congressional Review Act. I call it a legislative veto. It is rarely used. In fact, this is only the second occasion on which it will be used. It requires 35 signatures of Senators to discharge a proposition from a committee and bring it to the Senate floor, with 10 hours of debate. Following the 10 hours of debate, there is then a vote on the resolution of disapproval.

The specific rule that brings us to the floor today with a resolution of disapproval is a rule by the Federal Communications Commission dealing with broadcast ownership rules. This is an issue that is controversial. It is highly charged and very significant. Some

Members believe very strongly that what the Federal Communications Commission has done is horribly wrong for the interests of this country.

I said at the Commerce Committee when we discussed this, especially in the aftermath of the FCC making and announcing its rules, never have I seen a Federal agency that is supposed to be a regulatory agency cave in so quickly and so completely to the large economic interests. That is exactly what I think has happened. It has happened at the expense of the public interest.

The foundation of our democracy is information. The free flow of information is what nourishes and refreshes this democracy of ours. When what the American people see, hear, and read is controlled by fewer and fewer interests, in my judgment, it is detrimental to this government and to our country.

The ruling by the Federal Communications Commission says, among other things, this will be just fine in the future; in America's largest cities, one single company can own the dominant newspaper, the dominant television station, and two other television stations, eight radio stations, and the cable company in that same town. It is just fine. And they can do it in that town and another town and another town and another town, and that is just fine, according to the FCC rule.

Pardon my expression, but I think that is absolutely nuts. It is not fine—not fine with me, not fine with a good many of my colleagues. What we design to do is to pass a resolution of disapproval in the Senate to say to the Federal Communications Commission: Do it over, and do it right.

The Federal Communications Commission held only one public hearing before embarking on the largest rule change in the history of this country with respect to ownership of broadcast properties. Having held only one hearing, they then said: Well, let's do this Katie-bar-the-door approach to allowing the additional concentration and this new orgy of mergers that almost certainly will occur as a result of this rule. They said: Let's allow newspapers to own television stations in the same town, have the same television stations and radio stations marry up.

We know what has happened since the 1996 act. Ownership rules have changed; we have seen galloping concentrations. One company in this country now owns nearly 1,300 radio stations. In one city in North Dakota, we have eight radio stations. One of them is a religious station, one is a public broadcast station, and six are commercial stations. All six are owned by the same company.

I ask my colleagues, does anyone think there is a public outcry in this country for the need to have more concentration in broadcast ownership? Has anyone heard that public outcry? I have not.

The airwaves in this country belong to the American people. They do not belong to the broadcast companies. They do not belong to a television or radio company. They belong to the American people. We license them for use by companies that want to send a television or radio signal and we say that, attendant to that use, you have certain responsibilities and obligations: Competition, diversity, and localism.

What does localism mean? It means we anticipate that when you have a property to broadcast radio or television signals in your local community, you have a responsibility to that community to broadcast some of those local basketball games, talk to the people in the community about the local charity event this weekend, tell them about what is happening on Main Street. That is localism.

What do we have these days? All too often we have the concentration that has developed in all broadcast media. Now we have something instead of localism; it is called voice tracking.

Do you know what voice tracking is? With this massive amount of mergers, with one company owning many stations, voice tracking is that which occurs when you drive down the street in Salt Lake City, UT, and turn on your dial on the radio station and hear someone saying, ''It is sunny out here in Salt Lake City this morning,'' and that person may be in a basement in Baltimore, MD, broadcasting from a broadcast booth. Do you know what that is called? Voice tracking; ripping a sheet off the printer from the Internet that shows the sun is shining in Salt Lake City so they can pretend they are broadcasting from Salt Lake City, UT, from a Salt Lake City station, when in fact they are not 1,000 miles near Salt Lake City, they are halfway across the country pretending there is some local element to that radio station.

That is not moving in the public interest.

As we engage in this debate, I want someone to tell me that localism is old fashioned. I want someone to tell me that what I consider to be a transcendent truth about the value of requiring localism in exchange for being able to use the airwaves with a radio or television license is somehow an old-fashioned value. For me, it is not.

There is so much to say about all of this, and I will speak at great length, but I have a chart that shows where we are with respect to these broadcast properties these days. I will not attempt to tell you about all of this, but the News Corporation, of course, is Fox and Rupert Murdoch; Clear Channel; Viacom; Disney; AOL/Time Warner. Let me use Disney as an example: Ten television stations, including in New York, Los Angeles, Chicago, Philadelphia, San Francisco, Houston, Raleigh, Fresno, Flint, Toledo; 53 radio stations. The ABC Network, Disney Channel, ESPN, A&E, SoapNet, History Channel, Lifetime, Disney Pictures, Touchstone, Hollywood, Caravan, Miramax. It goes on and on and on.

People say: What is the big deal here? We have so many more outlets in which you can get information. We now have the Internet. We didn't used to have that. You have so many different outlets. Do you know something. Go to your cable system and find out who owns the major channels. The same people. Go to the Internet and find out who owns the top sites on the Internet. The same people.

So you have many different voices; yes, from the same ventriloquist. Many voices, one ventriloquist or two or three or four—at least fewer ventriloquists in terms of what the American people see, hear, and read.

I do not accuse the Federal Communications Commission of bad faith. I happen to like the Federal Communications Commissioners. I believe I know all of them personally. The chairman is someone I have had lunch with a couple times. I like him a lot. I just think they have made a horrible mistake, and I think they did it without the due diligence that is required of those in a regulatory commission position.

We expect them to be the referees of sorts. We expect them to wear the striped shirts with the whistles that say: We are here to call the fouls. We are here on behalf of the public interest to call the game. The fact is, this regulatory agency did exactly what the big economic interests and the broadcasting industry wanted. And they did it cleanly and quickly, with minimum nuisance of public participation. There was only one hearing in Richmond, VA.

Well, they did get three-quarters of a million pieces of mail and communications over the Internet saying: Don't do this. It is against the public interest. But it did not matter to the FCC. They did it anyway.

As a result, I hope this Senate will send a message to the Federal Communications Commission: This rule is a bad rule. This rule opens the gates to massive additional concentration, mergers, and acquisition to fewer and fewer companies owning more and more properties, at least in the circumstance with respect to broadcasts and newspapers. And, by the way, they also eliminate the ban on cross ownership. At least in this circumstance, we don't think it is in the public interest. That is what I hope the Senate will tell the Federal Communications Commission today.

By this vote, it will be the first step—a big step—in a process of saying to the Federal Communications Commission: We in Congress veto this rule. You must go back and do it again. Do it over and do it right.

Mr. President, I have a lot to say today, and I know my colleagues do as well. But I think in the interest of time, having described why we are here, and the origin of this effort, I will yield the floor. My colleagues from Arizona and Mississippi want to make presentations, following which I will again then amplify my remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from North Dakota for, as always, informing, and sometimes with very startling information. I still find it very difficult to understand the situation that happened in his State. When there was a toxic spill, and the radio stations were attempted to be contacted to alert the population, the citizenry, there was not a single soul in any of the six radio stations. All the broadcasting was done from somewhere else. That, obviously, was not the intent of the law, the intent of Congress, nor, indeed, the intent of the Federal Communications Commission. But these examples happen today.

I rise to speak in opposition to S.J. Res. 17, which has already been described by my colleague from North Dakota. As a result, pursuant to the Congressional Review Act, these rules would have no force or effect, and the FCC would not be able to adopt any similar regulations until Congress authorized the Commission to do so.

I share many of the concerns expressed by my friends from North Dakota and Mississippi. I oppose the resolution because I believe that rejecting the rules without providing further guidance is not an appropriate congressional response. In addition, the nullification of all of the FCC's new media ownership regulations is, in my opinion, too sweeping.

Whether we agree with them or not, the FCC's actions are a direct result of the direction given to it by Congress in the Telecommunications Act of 1996, which should have been called ''Leave No Lobbyist Behind Act of 1996.''

And might I add, as we are all responsible for our votes, my colleague from North Dakota voted for that bill, as did my colleague from Mississippi. I voted against it. I voted against it because I thought it was an outrageous exercise of lobbying power and special interest power and would have enormous unintended as well as intended consequences; and the unintended consequences we are dealing with today.

So let's be clear, all of my colleagues, what is the genesis of this problem. That is the 1996 Telecommunications Act. I say so because the DC Court of Appeals vacated the 35-percent cap and remanded it back to the FCC. The DC Circuit Court of Appeals found that:

> Congress set in motion a process to deregulate the structure of the broadcast and cable television industries [in the act].

In fact, the court—I think very appropriately—characterized the 1996 act's deregulatory tone as not subtle but quite explicit, likening it to ''Farragut's order at the battle of Mobile Bay—'Damn the torpedoes! Full speed ahead.'''' That is how the court described the 1996 deregulatory act that my colleagues are on the floor now examining and wanting to reverse.

Let's at least take responsibility for our action that set this train in motion. I agree with my colleagues, particularly on the issue of radio. When there is an example such as what happened in Minot, ND, and testimony before our committee that there is an organization, Clear Channel—let's say who they are—that owns, as the Senator from North Dakota mentioned, 1,300 radio stations, the ticket sales, the promotions, and the concerts—artists have come to us and stated unequivocally that they have been basically blackmailed and told to do concerts at a certain place or their works would not be played on the radio stations.

Now, I can't prove that. I am only telling you what information was given us. So we have a tough situation.

The resolution offers neither congressional direction for the FCC's next review of these rules nor a remedy for the infirmities of the existing statute that pushed the FCC to its recent decision. Moreover, the resolution would throw out the entirety of the FCC's action, including some rules that would actually tighten radio ownership limitations. Finally, the resolution could result in significant uncertainty about the status of the FCC's media ownership rules.

Let me mention one other thing before I go into a little bit more about this process.

As usual, unfortunately, tragically, the Appropriations Committee has now gotten into the act. The Appropriations Committee, I understand, on the Commerce, State, and Justice appropriations bill is now going to remove the provision of 35 to 45 percent media ownership, but they are not—they are not—going to touch the cross-ownership aspect of the rules that the FCC issued. Why? Why would that be?

Well, my dear friends and colleagues, I only know one reason: The National Association of Broadcasters supports the 35 to 45 percent and opposes the cross ownership. Which is worse, that a conglomerate owns now 45 percent of the television stations in a market, or a conglomerate owns three televisions stations, the newspaper—the Los Angeles Times—the Internet, the cable company, and 8 radio stations? That is okay according to the Appropriations Committee. But they are going to take care of the 35 to 45 percent aspect of it and jam it into an appropriations bill, by the way, without a hearing before the Appropriations Committee, as usual.

The Commerce Committee acted with a piece of legislation that is on the calendar. S. 1046, which passed through the committee, addresses the entire issue. Do you think we will get S. 1046 before this body before this year ends, my friends? No. But we will have to fight like blazes a one single shot provision that has been placed in an appropriations bill, in clearly a gross excess of their responsibilities, which are to fund authorized programs.

So I guess if there is any lack of cynicism amongst my colleagues about this whole process we are undergoing right now, any lack of cynicism should be dispelled by the actions of the Appropriations Committee.

Whether we agree with them or not, as I mentioned, those actions are a direct result of the 1996 act.

In short, if the Congress is unsatisfied with the result of the FCC review, it should step in to provide new direction. Simply saying, ''You got it wrong, try again,'' in my view, is not an appropriate response.

Although they are not provided in the resolution before us, new directions to the FCC have been provided and reported out of the Commerce Committee. The bill is on the Senate calendar awaiting action. The bill would establish explicit, sustainable media ownership limits while preserving new radio ownership rules tightened by the FCC in its June 2 order.

While I don't support the resolution, I do support S. 1046. I have not always supported retaining strict limits on media consolidation, and in the past I have spoken frequently about the merits of deregulation of media markets. Over the years, I have written letters to the FCC insisting that they deregulate in this area of media markets. Moreover, even a few years ago, I offered legislation to raise the national television station ownership cap to 50 percent and to eliminate limits on newspaper and broadcast cross-ownership. I continue to believe in the principle of allowing markets, and not government, to regulate the way businesses operate.

After chairing seven hearings on media ownership and observing unprecedented public outcry, it is apparent to me that the business of media ownership, which can so affect the nature and quality of our democracy, is too important to be dealt with so categorically. As a result, I have come to believe that stringent, but reasonable, limits on media ownership may very well be appropriate.

It is a testament to the vitality and health of our democracy that the public mobilized to defend what they perceived as a challenge to this democracy. If Congress is displeased with the Commission's new rules, however, we must accept some responsibility for them. Congress and the courts gave the Commission little choice but to deregulate the media industry. When the D.C. circuit court of Appeals vacated the 35 percent cap and remanded it back to the FCC for further consideration, it found that ''Congress set in motion a process to deregulate the structure of the broadcast and cable television industries'' in the Act. In fact, the court characterized the 1996 Act's deregulatory tone as not subtle, but quite explicit, likening it to ''Farragut's order at the battle of Mobile Bay—'Damn the torpedoes! Full speed ahead.'''

Led by the able chairman, Michael Powell, the Commission followed the direction of Congress and the courts.

The commission incrementally increased the network ownership cap to 4.5 percent finding that a ''modest relaxation of the cap will help networks compete more effectively with cable and DBS operators and will promote free, over-the-air television by deterring migration of expensive programming to cable networks.''

I ask unanimous consent that an article by Michael K. Powell that appeared in the Wall Street Journal this morning be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Wall Street Journal, Sept. 11, 2003]

AND THAT'S THE WAY IT IS

(By Michael K. Powell)

The days of free television may be numbered. We are in the midst of change that is having a dramatic effect on how we watch television. Consider how much the television landscape has altered in the past two decades. It used to be that the ''big three'' networks, ABC, CBS and NBC were just about the only game in town. In those ''glory days'' of television, when Walter Cronkite left us each night with his famous ''And that's the way it is,'' the big three were ''the only way it was''—our only sources of television programming. If you wanted to watch sports you turned to the big three. Want to watch the movie of the week? Turn to the big three. Saturday morning cartoons? Turn to the big three. With over 80% of the viewing audience watching free TV, it was good to be a broadcaster.

Today, much of the high-quality sports (ESPN, Fox Sports), movies (HBO, Showtime, Starz, Independent Film Channel), mini-series (Hallmark Channel), documentaries (History and Discovery Channels), children's programming (Nickelodeon, Disney Channel, Cartoon Network), minority-oriented programming (BET, Univision) and breaking news (CNN, MSNBC, Fox News) can be found on pay television. The migration of top programming to pay television is demonstrated by the fact that cable, for the first time, surpassed broadcast television in all-day viewing share and this summer cable claimed an all-time high 60% of the prime-time television audience. And the quality of programming now on pay television is embodied in its unprecedented success in recent Emmy awards and nominations.

Why is this happening? For those in the business of pay television, there are two main sources of income, subscription fees and advertising. Free television has only one source—advertising. As the cost of quality programming increases (''Friends,'' for example, costs a reported $10 million per episode), so too does the pressure to place those shows on cable or satellite. To stem these rising programming costs, free television has turned to low-budget programming such as reality shows and daytime talk shows.

Moreover, producers and creators of television shows often are lured to the greater creative freedom of pay television. Pay television programmers enjoy greater first amendment protection against government content regulation than their broadcast counterparts. This is why a show like ''The Sopranos,'' too risque for the big three networks who passed on airing the series, can be enjoyed by millions each week on HBO. It also allows the possibility of running a show commercial-free. For us viewers, pay television offers programming that is tailored to our personal interests, be it 24-hour tennis, golf, news, history, food or game shows. On free television, we get television created for the masses, on a date and time of the network programmer's choosing.

To survive, free TV must improve its competitive position against pay television and find a way to innovate and offer personalized television experiences that today's viewers have come to enjoy and expect. The future of free television is, at best, uncertain and, at worst, in peril.

The shift to pay television and the value it has brought to the television viewer over the course of the last 20 years begs a question—do we even need free television? From a public policy perspective, I believe the answer is yes—we absolutely need to maintain a viable free television service for the welfare of our citizens. Free broadcast television remains an important service for those citizens that cannot afford pay television. Additionally, free television continues to play a vital role in informing the public during national and local emergencies and in serving the interests of their local communities.

That's why this past June, the FCC passed a new set of broadcast ownership limits, modernizing a regulatory regime that was made for the bygone era of the big three to reflect today's dynamic media marketplace. Those rule modifications were made, in part, to strengthen free television to give it a chance to remain viable for our citizens to enjoy for decades to come. For example, by setting a slightly revised national television ownership limit, the FCC will help the networks attract and maintain quality programming, from the World Series and Olympics to the next great TV series like ''Everybody Loves Raymond'' or ''The West Wing.'' Other rule changes, such as allowing cross-ownership or the ownership of more than one local television broadcast outlet in some markets, will bring consumers more and better quality local news coverage and will help fund the transition to high definition digital television, potentially giving free television the ability to provide new innovative services to the public well into the 21st century.

These changes have been under attack from some in Congress. A rush headlong into re-regulating free television is afoot, and if successful, would prove disastrous. Bringing free television into a more hostile regulatory environment will continue to drive investment to pay television and drive more sports and creative programs to pay television. It may just drive free television to pay television altogether, as Bob Wright, CEO of NBC, once suggested that he might shut down NBC and simply move it to cable. Moreover, in its wake, this hostile regulatory climate will stymie the transition to digital broadcast television leaving broadcasters with ill-suited analog tools to work in a digital world—in turn denying the American public the use of a primary spectrum for future wireless innovation and services.

Free television will not disappear tomorrow. Many remain profitable with low budget reality shows and other programming. In the face of increasing competition from an ever expanding array of pay television programming, however, the government must be careful not to hasten its demise. Free television has been an important service to the American public for over 50 years. If our efforts do not provide free television with the ability to better compete in today's vibrant media marketplace, we risk losing its services for the next 50 years. And that's the way it is.

Mr. MCCAIN. Mr. President, two networks, Viacom/CBS and News Corp. have been operating at almost 40 percent for almost 2 years now due to stay from courts and waivers from the FCC. The Commission also relaxed its cross-ownership rules by permitting combinations of multiple television, radio, and newspaper outlets in more American media markets.

The Commission had limited discretion in its decision-making process. We, however, do not. If Congress is displeased with the results of the Commission's review, it should legislate a solution, not just disapprove of the Commission's actions. Unlike the Commission, Congress consists of elected officials who must consider the views of the American public, not court mandates and statutory directives, when tackling difficult questions like the ones posed here.

The public has strongly voiced its dissatisfaction with the new rules. The Commission received more public comments about its media ownership proceeding than any other proceeding. My office continues to receive numerous letters, phone calls, and e-mails from the public addressing the new rules. As representatives of the public, Congress should take a lead role in examining these rules, and if necessary, crafting new limits.

As William Safire wrote recently in an Op-Ed piece in the New York Times, itself a large owner of several media outlets: ''The effect of the media's march to amalgamation on Americans' freedom of voice is too worrisome to be left to three unelected commissioners. This far-reaching political decision should be made by Congress and the White House, after extensive hearings and fair coverage by too-shy broadcasters, no-local-news cable networks and conflicted newspapers.''

In discussing this resolution, we must also be mindful that its passage would roll back all of the FCC's rules, even those that tightened radio ownership limits. The Telecommunications Act eliminated the national radio ownership cap thereby allowing one company to grow at an unprecedented pace from 40 to more than 1,200 radio stations, including ownership of 6 of the 7 commercial radio stations in Minot, ND. At a hearing before the Commerce Committee, all five FCC Commissioners agreed that the consolidation of radio that has occurred in local markets has been excessive.

This brings me to the issue we must continue to discuss and to which I don't know the answer: How much is too much? In my home State of Arizona, Gannett owns a newspaper and a television station. Is that bad? I have seen no ill effects of it. I have seen no consolidation problems, no collusion between the two, no problem with the citizens of my State receiving correct and accurate and unbiased information. What if Gannett owned two television stations, or three stations or four stations? What is the point, I ask my colleagues—and that requires an incredible amount of knowledge, which I admit I don't possess, as to what the proper degree of media concentration is allowable.

Then you have a difference in markets. Minot, ND—with all due respect to the large population of North Dakota—I think has 27,000 or 37,000 people—higher than that. The valley which I was just describing has over 3 million people. So it is not only a problem of the criterion itself for ownership, it also has a lot to do with large or small populations.

I don't think a small town is going to have five television stations or eight television stations. So should the owner of the television station in Greenwood, MS, be allowed to own the newspaper? Is that control there? That may be excessive. But in Phoenix, AZ, ownership of one television station and a newspaper clearly is not of significant impact.

So this is why it is important that we continue to examine these issues carefully and try to get the best knowledge and information we have.

But I think there is one area of agreement, whether we succeed or whether the proponents of the CRA succeed: There is too much concentration in radio. I know of no credible person who disagrees with that. While it received little credit amid the outcry against the regulations, the FCC attempted to address this problem by prescribing new market definitions designed to tighten the limits on local radio ownership.

This resolution would therefore have the perverse consequence of eliminating efforts taken by the Commission to strengthen its radio ownership rules—a move that surely would be applauded in the corporate offices of large radio station groups that hope to perpetuate their ability to benefit from existing loopholes. Moreover, the resolution would limit the FCC's ability to reinstate its more stringent radio market definition, because the CRA precludes the FCC from adopting rules ''in substantially the same form'' as those that have been disapproved without further direction from Congress.

Finally, the use of the CRA in the present case will create a regulatory void likely to be filled only by uncertainty about the status of the FCC's media ownership rules. The absence of an affirmative Congressional directive will cast considerable doubt on the enforceability of the FCC's previous rules, given that one of the FCC's previous attempts to retain the rules was found by the D.C. Circuit to be arbitrary and capricious, and another was found not to have justified that the rules are ''necessary in the public interest.'' In both cases, the D.C. circuit remanded the rules to the FCC and directed the agency to either articulate a justification for retaining the rules or modify them. The lack of an enforceable FCC order will leave these court orders unanswered, risking additional court action that relaxes the rules even further, or even invalidates them entirely.

Moreover, passage of this resolution would appear to set up the FCC for failure when conducting its next biennial review in 2004. In that proceeding, the FCC will likely have to justify its new rules before a court that has stated that the Telecommunications Act sets in motion a process of deregulation, while remaining mindful of Congress' disapproval of its 2002 Biennial Review. Chairman Powell has stated that the courts placed ''a high hurdle before the Commission for maintaining a given regulation, and made clear that failure to surmount that hurdle, based on a thorough record, must result in the rule's modification or elimination.'' Moreover, the Commission will also be forced to explain how it reached a different conclusion after previously having made extensive findings that undercut the network ownership cap and cross-ownership limits. Whatever action the Commission takes will be ripe for challenge by an unsatisfied party.

These rules have been mired in litigation for too long. If Congress believes that it is appropriate to retain certain ownership restrictions under today's market conditions, then it should pass legislation explicitly stating so. Again, S. 1046 is the appropriate legislative vehicle to achieve this goal.

The Commission did its job by promulgating new rules after completing an intense twenty-month review. During that time the Commission reviewed twelve studies it commissioned to gather empirical evidence on the media industry, and studied over 500,000 public comments to better understand the media marketplace. As Mr. Safire suggested, it is now time for Congress to do its job. Congress has spent the past few months studying the previous rules, digesting the new rules, and holding multiple hearings on this issue. I have come to appreciate the importance of appropriate limits on media ownership. The media has a tremendous impact on the everyday lives of all Americans. By selecting and framing issues and ideas and promoting public discourse, the media facilitate a critical function in our democracy. It is now time for Congress to offer guidance, not simply reject the FCC's rules.

My decision to oppose this resolution has been a difficult one for me, in large part, because I hold the senior senator from North Dakota in such high regard. I commend Senator DORGAN for his leadership in bringing the issue of media ownership to the attention of his colleagues. Earlier this year, he raised the now-famous issue of radio ownership in Minot, ND, in the Senate Commerce Committee. That issue was the catalyst for the Committee's subsequent review of media ownership, which included seven hearings this year. Few, if any, members of the Commerce Committee or the Senate understands the intricacies of this issue better than Senator DORGAN.

Finally, I thank colleagues for their interest and involvement in this issue—especially three colleagues on the Commerce Committee: Senators WYDEN, LOTT, and DORGAN. They have been incredibly involved in these issues. We have had some of the best hearings I have ever participated in on these issues. I think we have contributed not only to the knowledge of our colleagues but to that of the American people.

I want to commit, no matter how it comes out today, that we will continue to bring the Commissioners before the committee, bring the smartest people we can find before the committee, and move forward in an orderly legislative process. I hope one of the things we can do as early as possible is get consideration of the legislation that we passed through the committee, after careful deliberation and discussion and a very spirited markup.

So I thank my colleagues. I think this is an important part of the debate and, for sure, we will be discussing this issue for a long time.

I ask Members to vote against S.J. Res. 17 but support passage of S. 1046.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise in support of this resolution which would disapprove the new media ownership rules passed by the Federal Communications Commission on June 2 of this year. I must say, in listening to the chairman of the Commerce Committee, I share a lot of his concerns and questions. I know from my discussions with him, and he knows, we need to do more in this area, and he believes the FCC ruling may not have hit the target in every area. He makes a good case about the difference in the size of the markets, from Phoenix to Jackson, to Minot, and other areas. Maybe he has touched on the answer. Maybe we need some sort of a tiered arrangement.

I think in this case the fundamental policy is the one that really matters; that is, cross-ownership is not good. I think there are things you lose when you have the same newspaper chain owning one or two or three of the local radio stations and the same number of local television stations.

I have a background, to a degree, in radio. My mother worked for a local radio station, WPMP/WPMO, which served Pascagoula and Moss Point. She was a bookkeeper. She did the logs, and then she did some announcing. She was the first woman's voice I had ever heard on a radio. And I did a program in high school for the local high school. This station was local, personal, and involved in the community. They were part of the community, and they were involved in the Chamber of Commerce. They had remotes, and if you opened a new furniture store on Market Street, they would go down there with a remote and would say: Come down to see the new furniture store here and maybe win a lamp. It was very personal.

We have lost that involvement. I have a different attitude than Senator MCCAIN in my thinking: It's OK to have these big radio chains, but I have to acknowledge that we have lost something

in the process. We have lost some localism. We don't have any in my hometown anymore. WPMP and WPMO have limited exposure. I don't know who owns them. If you want local news, you have to listen to a radio station 19 miles away in Biloxi, WBMI.

This is my question: If that has not worked out, if there are consolidations, if one or two companies own an overwhelming number of radio stations, do we want that to happen in television? We already have all these chains that gobbled up our local newspapers. I don't know where these people come from or get their ideas that come in with these big chains. They worry me about some of the things they do and their idea of how they should report the news in local communities.

I have a real problem with what happened at the FCC in this instance. I want to emphasize this: This is not a newfound position. This is a position I have had for basically 30 years in Congress.

First, I am not one who thinks big is always bad. I don't believe we have to keep it small. I want the American people to have more of everything—more choices, more opportunities, more diversity, more competition. That is great. I am all for that.

I am also one who has voted many times for deregulation. It has not always worked out perfectly. I am not as theoretically pure on deregulation as I used to be. I voted to deregulate trucking and deregulate the airlines, and I am for deregulation as much as possible in this area. But this is a little different now. This gets into First Amendment rights. It does get into the airwaves and who owns them. It does get into what happened with the networks and the chains.

Do the American people really feel good about what is happening with the media in America? No. Check the polls. Check the people.

This very morning I talked with my mother. She is 90 years old. She said: You weren't born in the backwoods.

I said: What are you talking about?

She said: You were born in Grenada Hospital, a small town, but it wasn't the backwoods, and they always make it sound like you are Abraham Lincoln coming out of some log cabin, which is fine, I like that politically. But my mother was offended that they had reported incorrectly as to my background.

I said: Mother, relax, nobody pays attention to that. These people write stuff they think will make the story sound more interesting, embellish the truth. You know that. This very morning we talked about this.

This is not about personality. This is not about revenge. This is not about prevailing in a position. This is about doing what is right and in the best interest of the American people.

I recommended the Chairman of the FCC Michael Powell to President Clinton for a Republican vacancy when I was serving as Majority Leader. That was my prerogative. That is the way we worked things out with President Clinton and, by the way, he had been recommended to me by Senator MCCAIN. This is not about personality. I like the Democrats and Republicans on the FCC. I find them to be highly qualified, good people. I just think they missed the target this time. By the way, who has the ultimate say for the American people on something such as this? Should it be these Commissioners? Should it be this agency? Or should the Congress have a little say in this? Shouldn't we at least have the right to say: Wait, this is a dangerous thing for freedom, information, and democracy in America. Go back and do it again. We have that right. In fact, I think we have that responsibility.

This is not partisan. In fact, there are 20 cosponsors, or more, of this disapproval resolution. I know for sure in addition to myself there is Senator HUTCHISON from Texas, Senator SNOWE from Maine, Senator COLLINS from Maine, and Senator ALLARD from Colorado and Senator CHAMBLISS from Georgia both signed the discharge petition for this resolution. So you see there are Republicans and Democrats, small State Senators, big State Senators. Colorado, Texas, and Georgia are not exactly small places.

By the way, they have seen some pretty interesting examples of what happens in Dallas or Atlanta with that sort of consolidation.

What would this disapproval resolution do? If it is passed, if it gets through the Senate and House and the President signs it, the FCC will have to take another look. They might come back and say: We will do these modifications or we will go with half of this or not all of this, and they may need more action from the Commerce Committee and from the Congress. Great, we can do that. The President may veto this resolution. I think that would be a mistake.

We are coming at this issue on all fronts. We are going after the issue with a resolution of disapproval and we will go after it in the appropriations bill, if we have to. I prefer we do it through the authorization bill, as Senator MCCAIN said. I don't like the Appropriations Committee always having to do our work because we will not or cannot find the time to get it done.

The Commerce Committee voted. We reported out S. 1046. I am a cosponsor of it. Senator STEVENS of Alaska is for that bill. I believe Senator MCCAIN said he would be supportive of that bill. If we fail here, we will be back here, there, and everywhere because this is a very critical issue.

Let me go back to the process. I was worried when I saw this developing. I had a feeling it was not going right. The proof was that we were having trouble getting information about exactly what they were going to do.

On April 9, 2003, I joined a large bipartisan group from Congress in sending a letter—most of the signers are on the Commerce Committee—to Chairman Powell and the Commission saying we were disappointed that the FCC-revised ownership rules would be released in final form June 2 without any opportunity for the Congress or the public to review them beforehand, in effect saying: Wait a minute, have more hearings; come see us about this. They pretty much summarily ignored that letter.

I ask unanimous consent that this letter to the Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 9, 2003.

DEAR CHAIRMAN POWELL: We note with disappointment your announcement that the FCC's revised media ownership rules will be released in final form June 2nd without any opportunity for the Congress or the public to review them beforehand. We believe it is virtually impossible to serve the public interest in this extremely important and highly complex proceeding without letting the public know about and comment on the changes you intend to make to these critical rules.

While the Commission and its staff have amassed a significant record of comments to date on current media ownership rules, the Commission has not put forth any specific changes it is planning.

Dramatic changes in the structure of our media marketplace could have long-term consequences on the diversity of voices and free expression in our nation. Given the gravity of this proceeding, we are puzzled as to why the FCC would not insist on having a thorough discussion about any proposed changes before these would take effect. Openness in this process is the best path to ensure that Congress and the public support the agency's direction.

We again urge the Commission to provide full disclosure of any proposed changes before they are made final.

Sincerely,

Olympia J. Snowe, Byron L. Dorgan, Ernest F. Hollings, Trent Lott, Kay Bailey Hutchison, Daniel K. Inouye, John D. Rockefeller, Ron Wyden, Barbara Boxer, Bill Nelson, Maria Cantwell, Frank R. Lautenberg, Susan M. Collins, Patty Murray, Wayne Allard, U.S. Senators.

Mr. LOTT. Mr. President, I don't think they reached out and listened enough. I know the committee was worried about it. Then they—poof—made their decisions, and then they came before the Commerce Committee to explain it. I have to tell you, I scratched my head at some of their explanations, particularly their explanation of the media ownership cap at 35 percent and why it should be raised to 45 percent. The 35 percent cap is a position I supported back in the midnineties and earlier. We had a huge debate as to whether it should be 25 or 35. Senator DORGAN wanted 25. I think I supported that, but we finally went along with 35 percent.

When questioned on that issue, the chairman said something to the fact that a couple of the networks are above or at this cap now so we should raise it to 45. Does that mean when they get to 45, we are going to raise it to 55? I

admit we can have disagreements on the cap. Maybe it should be this level, a little higher, a little lower. I would rather have no caps than have this creeping raising of caps.

Should we have some restraint on the reach of one network owned by these corporate giants? I think so. Am I mad at one network or the networks versus the cable? No. This is ABC, CBS, NBC, CNN, Fox—it is all of them. I just think that some limits are appropriate, which would give a greater variety of voices—and also I worry about more and more dominance by the networks.

Local affiliates, if you get them off in a corner, say they don't want the cap to be raised. Local affiliates say: We don't like a lot of the programming; it is trashy, worthless; we would rather have local programming. Boy, they have trouble now. You don't think the networks don't tell them: You are going to run what we send you in Jackson, Mississippi, or Portland, Oregon, or a small town in Oregon? I don't like that.

Again, localism is good for the people—some choice, some discretion. That is one of the things at risk here.

Let me emphasize, we have an unusual alliance on this issue. We have the Actor's Equity Association. I generally don't team up with actors, other than in the Senate. We have the AFL–CIO, the National Organization for Women. Then we get over to the Family Research Council and the National Rifle Association. This is the far, far, far left and the far right, and everything in between, I think.

Here is an interesting thing about this alliance. This is a diverse group, and they generally represent people, individuals. That is why they have had this avalanche of mail at the FCC opposing these regulations. I understand perhaps it is the largest number of comments to the FCC of any issue in history. The groups here represent individuals, generally speaking, not big or corporate interests. I like being identified with those people.

I like worrying about what the fishermen in Biloxi, Mississippi, are going to be able to hear and see, and that they have choices. So this is a very important issue and it is one we should act on.

The Majority Leader has been very cooperative with this. He could try to maneuver this around or push this off, but he was reasonable, as was Senator DORGAN, and I am glad to be involved in this effort.

I do want to emphasize that personally I am less concerned about the cap than I am about the cross-ownership. I think we ought to repeal the new rules as to both, but my major worry is this consolidation of newspaper, television, radio, cable, the works, and how in towns the size of Jackson, Mississippi, one entity is controlling everything. I do not know that it is that dangerous to people. People are smarter than we are, and the media, for sure. They would just watch it, dismiss it, and not put much stock in it, but I would still like for them to have that choice.

By the way, we should note that the court has also stepped in. The Third Circuit Court of Appeals in Philadelphia placed an injunction, a stay, of the new rules so Congress could have more time to officially override them if we see fit. That is what this is all about.

I do not think anybody should be apologetic for supporting this or worried about what the impact is. This is part of the process. I do not want to get all caught up in process, but I think what is at stake here is bigger than process. This will have long-lasting effects, and once we start down this trail unwinding that Gordian knot we would be tied to in community after community in America, it would be difficult, if not impossible, to do something.

I urge my colleagues not to worry about the personalities, not to worry about the threat of a veto, not to worry about the threat of a network or a newspaper or a chain. What can they do to each and every one of us that they have not already done? Worry about what is at stake, and it is really fundamental. This gets to what makes this country great, and that is the ability to have diversity of opinion and arguments, different points of view.

So I urge my colleagues on both sides of the aisle to step up, let us vote for this disapproval resolution. We put this process in place for a reason. We have been very careful about using it. This is only the second time in the history of this disapproval resolution process that it has been used, but this is a good one to do it on. I am delighted to join with my colleagues on both sides of the aisle in supporting this disapproval resolution and I thank Senator DORGAN for the courtesies he has extended along the way, and I am glad to work with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise today in support of the resolution. I particularly want to commend my colleague from North Dakota, Mr. DORGAN, and our friend from Mississippi, Senator LOTT, as well, for their bipartisan efforts.

I believe I have sat through every minute of these hearings because I believe what the Commerce Committee has been looking at is extraordinarily important. I want to take a few minutes today to outline for the Senate and others who are just beginning to get involved in this issue what I think is at stake.

First, I think it is important to be clear about what is ahead. In my view, the big media conglomerates want to make a meal out of the Nation's small media outlets, and I believe the Senate needs to step in and cancel this feast. That is what this resolution would do and why it is so important.

I would like to begin, in discussing this issue, by talking about the fact that the Senate has been down this road before. In the discussion with respect to radio, there was considerable debate about the deregulation of radio at the time. Extensive testimony was taken. Arguments were made that this was an experiment that should be allowed to go forward. In 1996, the Congress relaxed the limits on radio station ownership. What we heard during our hearings, and I asked Chairman Powell about this specifically with respect to radio, was truly alarming.

Chairman Powell, under questioning that I engaged him in in committee, admitted now there was a problem with respect to concentration of radio. Chairman MCCAIN attested to it as well this afternoon. So the challenge now for the Senate is to make sure the Senate does not allow a repeat of the failed media experiment.

What went on in radio is something that has not worked. It is an experiment, where the drawbacks outweigh the advantages. The Senate has an opportunity to make sure that the failed experiment that has taken a toll on localism, choice, and diversity across this country is not to be repeated. In my view, it is the centerpiece of the argument as to why this resolution is so important.

There are not a lot of rallies outside the offices of Senators for big media kind of feeding frenzies. All of the input has essentially been the other way. The public has been concerned that as the conglomerates get bigger, the diet of news in particular is going to get blander and certainly less diverse and less locally oriented and more mass produced.

We have been very troubled about what we have seen in our home State of Oregon. In Eugene, OR, for example, a network affiliate wanted to shift around program time slots so it could offer the city's first 10 p.m. newscast. It was not going to cut programming. It was going to shift some of the schedules. The network said no, because they wanted to maintain what they described as a consistent nationwide distribution pattern.

As a result, Eugene residents still have no 10 p.m. news program even though the local station, a family-owned business, wanted to offer it.

The lesson has been clear. For the network, nationwide business judgments trump local interests. That is the story of what has happened in Eugene. The big networks may claim they are fully committed to localism, but in practice they behave differently than a truly local owner would.

When they came before the committee, I asked about this issue and they said, it is a free country. That local network affiliate does not have to take network programming 7 to 8, or 8 to 9, or 9 to 10. It is a free country. They can make their own choices.

Essentially, the freedom they have described for a local affiliate is the freedom to go broke. A local affiliate cannot, in effect, write off network

programming for most of the evening because they are committed to public service news and the opportunity for citizens to be heard.

There has to be a balance. There has to be a balance between national judgments and local judgments, and I believe the Federal Communications Commission would skew that balance. They would skew it towards a media that was less sensitive to local concerns and local interests, and would be less diverse and offer fewer choices. I believe that is why these rules need to be maintained so as to have a proper balance rather than a skewed approach to media regulation in our country as the Federal Communications Commission's approach would do.

If we look at the media landscape today, it is pretty hard to argue that the Federal Communications Commission is holding the reins too tightly at present. Concentration is already on the rise in television, radio, cable, and newspapers. Viacom, News Corporation, AOL/Time Warner, Walt Disney, and others have amassed a very broad and extensive array of media properties, and it would seem to me that given the trend towards concentration at present, the current FCC's rules are even more important than before.

I think what it comes down to is that the Federal Communications Commission's approach is going to take a toll on several vital areas of the public's interest. I believe, for example, that the diversity of viewpoints in medium-size towns across the country will be reduced if the same company owns the local newspaper, the most watched television stations, local radio stations, and perhaps the cable system, too. We heard testimony to that effect in the Senate Commerce Committee.

If each of these media outlets at the local level are part of a big nationwide chain that is making programming decisions at corporate headquarters thousands of miles away, what is going to be the bottom line emphasis? Are those people at distant conference tables thousands of miles from our local communities going to put the kind of focus on local news and local programming that my constituents want? The evidence suggests otherwise.

With respect to creativity and independent content, if the local cable system, the local broadcaster, and the main satellite providers in effect are able to control substantial programming interests, we do have a way to preserve the kind of local orientation that our citizens feel so strongly about. If that changes, and I believe it would change under the Federal Communications Commission approach, I think what is going to happen in the future is everywhere independent programmers turn, they are going to be told by the national interests, by these national economic powers: Sorry, but we have to give preference to the programs that we produce in-house, rather than the local cable system, the local broadcaster, the main satellite providers who, today, offer so much creativity and diverse programming for local communities.

Finally, it seems to me that the Federal Communications Commission approach is going to take a toll on objective news coverage. With respect to news outlets reporting independently on issues that affect the parent companies, you ought to begin the discussion just by noting that ABC—and it has already been reported with respect to this matter—that ABC News, owned by Disney, quashed an investigative story on Disney theme parks. It seems to me that more cross-ownership is going to create more opportunities for conflicts of interest in news coverage and that will reduce the kind of independent reporting that has consistently been in the public interest.

A lot of the advocates for these changes, these powerful conglomerates, point to the idea that these are tough economic times; that some media outlets may be hurting. Their argument has been that it may be efficient, as they describe it, from a pure dollars and cents perspective, to allow different media businesses to combine their operations.

I would only say to those who make that argument that efficiency is not the only thing at stake in this debate. Sure, if all anybody cares about in the United States is efficiency, why not just have one single nationwide news bureau? They could run everything and people could say we sure have efficiency now. We wouldn't have all these reporters and commentators running around trying to beat each other and scoop each other and the like. But I think it is pretty obvious to Senators that would not be in the public interest because it would reduce diversity and reduce choice and reduce the kind of robust public debate that America wants.

So there are other values besides efficiency. That is the point of the current rules, that they help to balance these competing interests.

I will wrap up because I see other colleagues waiting to make their remarks. I think what has happened in this country, and with the FCC's set of initiatives in this area, is that the Federal Communications Commission has rung the dinner bell—they have rung the dinner bell for these powerful conglomerates who are out there licking their chops at the prospect of making a meal out of these small outlets.

As I said earlier, I hope the Senate, when it looks at the facts, when it looks at what has gone on in the failed experiment of radio—and I want to emphasize that—I think the Federal Communications Commission will say: All right, these big media companies are at the dinner table. They want to gobble up these small outlets.

I hope the Senate votes in favor of this resolution and cancels the Federal Communications Commission's feeding frenzy. I hope the Senate will do that when we vote next week.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Colorado.

Mr. ALLARD. Mr. President, are we under managed time?

Mr. DORGAN. I yield such time as he may consume to the Senator from Colorado.

Mr. ALLARD. Mr. President, I rise today in support of the resolution of disapproval regarding proposed changes in the media ownership regulations by the Federal Communications Commission. I personally thank Senator DORGAN for his leadership on this issue, as well as the rest of the Commerce Committee for so vigorously exploring the potential impact these regulations would have on the nature and content of the American media. These issues are of vital importance to the public, and I am pleased to be part of this effort, utilizing the congressional review process to ensure that the rulemaking process reflects the public interest.

Frank Blethen, the publisher of the Seattle Times, eloquently testified before the Senate Commerce Committee earlier this year. Mr. Blethen stated:

> The America newspaper, large and small, and without exception, belongs to a town, a city, at the most to a region.

There is a certain pride and comfort to be taken from the notion that the media that so pervades our lives could be so rooted in focus and accountability. That comment reflects a core value that has led me to the position that I take today, that the Federal Communications Commission has proposed a series of historically broad rules changes that would make it easier for large media corporations to gobble up a greater share of local media, including television stations, in the same market.

The Commission, and those who already hold enormous control over the content of the press, claim that this will only enhance the ability of the media to meet the needs of the consumer. The world, they claim, has grown so large and so complex that only vast resources and centralized control can carry important stories across the globe. I respectfully disagree.

Consumers benefit from technology more today than in any time in history. In an age of satellite television and the Internet, I am not as convinced as some that the greatest hole in news coverage is the world beyond our region. The Consumers Union has correctly pointed out that the opposite is the case: Satellite provides no independent local news information and is struggling just to make local stations available to subscribers.

Radio provides another acute example. Prior to 1996, there was a 40-station national ownership cap in the radio industry. Today, Clear Channel alone owns almost 1,240 stations, and between one-third and one-half of all independent radio stations have been absorbed or run out of business, including many in Colorado. Suggesting allowing increased cross ownership does

not strike me as a policy in the greatest interest of the public whom the FCC is chartered to serve.

The current generation of Americans has seen the number of independently owned newspapers dwindle from 1,700 to 280. As Commerce Committee Chairman MCCAIN noted this spring, this often equates to a loss of diversity of opinion in the pages of those newspapers with a common owner. I share the Chairman's opinion on this matter and am profoundly concerned with the homogenization of information being funneled in to local communities by multi-market media corporations. As Mr. Blethen stated in his testimony, the secret of the free press and vibrant public discourse depends upon voices in the communities themselves.

While those facts stand on their own, it is instructive to examine what we have witnessed in my home State of Colorado in recent years.

A number of family-owned newspapers in Colorado have recently been absorbed by a media giant, the Media One Corporation. In Northeastern Colorado both the Ft. Morgan Times and the Sterling Journal Advocate, as well as the Southeastern Colorado paper the Lamar Daily News, have gone from being locally owned family papers to being part of an enormous media machine headquartered far from those who rely on the news and information of those papers. I ask my colleagues, particularly those from States with large rural areas, what will happen to the information available in those communities if the rules are relaxed even further? Will those in Lamar, CO, receive all of their news from newspapers, radio and television outlets owned by the same company?

In my community of Loveland, CO, for example, I have seen a locally owned radio station become part of a syndicate of radio stations. We don't have the coverage of the local football games by the radio station anymore. We don't have local newscasters. A new station came in which was created by the city so you can tune into the station to get driving information in that small community in which I live. All of this was provided by a small radio station at an earlier time, before that larger conglomerate bought up that radio station in Loveland, CO.

This represents an enormous fiscal impact on large and small businesses as well as individuals, infringing on their ability to reach the consumers they relied upon for years. Those who can still afford to advertise are forced to pass these increased costs to consumers. It is important to note that this is the market today, without the new, more loose FCC regulations in effect. What will happen with newspapers and television stations are owned by the same corporation?

That is legitimate question. Capitol Broadcasting Company makes the following estimates for what will happen in Colorado under these proposed regulations:

One company could own six Colorado television stations.

One company could own an unlimited number of both daily and weekly newspapers in the Denver area or a combination of television stations and a majority of the print media.

The local cable company serving every Colorado home could be owned by one company.

The issue before the FCC and the Senate is not whether we need to re-debate the Telecommunications Act of 1996 or specific Joint Operating Agreements. The issue today is whether the public will be well served by another round of consolidation, particularly the wisdom of enhancing the ability of a large corporation to purchase broadcast outlets and newspapers in the same market. On several occasions I have contacted FCC Chairman Michael Powell to express my concern over the direction the FCC has taken and the speed with which it has moved.

In my opinion the FCC did not give the public nor Congress an adequate chance to comment on changes of such enormous consequence prior to the adoption of the new regulations.

I have been impressed and encouraged by the broad coalition of organizations expressing similar concerns over the FCC's press for action. The Consumers Union, National Rifle Association, Common Cause, the Traditional Values Coalition, CodePink Women for Peace, the U.S. Conference of Catholic Bishops, and the Future of Music Coalition are just a few of the organizations that share my concern for independent and diverse media in the United States. Given the actions of the FCC, we must carefully consider the prudence of these rule changes and the overall public interest at stake.

Reed Hundt, FCC Chairman during the passage of the Telecommunications Act, stated well the intention of the Congress. ''The Commission's goal in this proceeding is to further competition, just as we seek to promote competition in other communications industries we regulate. But in our broadcast ownership rules we also seek to promote diversity in programming and diversity in the viewpoints expressed on this powerful medium that so shapes our culture.'' What we must encourage is locally driven news coverage as opposed to national news that attempts to find a local perspective. National news for the sake of simplicity or sensationalism never gives local communities the in-depth coverage they should have. Do we want top down coverage or bottom up coverage? I opt for local to national.

I feel much more comfortable with news stories originating out of my hometown in Colorado and then, on their own merits, rising to the national level. I am not particularly comfortable with national news being created and local stations trying to find a local perspective for the national headline. So I think that the top down is a bad alternative; the bottom up is the best approach.

It is my hope that this body will listen to the many voices that are asking us not to chart a dangerous, wholly business-driven course for media and consumers in the coming years.

The FCC would have been wise to maintain the existing commitment made to the public, facilitating greater opportunity for Americans to do business, seek information, and enjoy entertainment from a vibrant, diverse, and healthy media. The FCC has failed in doing this by passing a sweeping slate of rules that will do only one thing for certain: put fewer hands in control of the Nation's media. Thanks to the tool at our disposal, the Congressional Review Act, Congress has the opportunity to prevent these rules from going into effect.

I urge my colleagues to stand up and send a loud and clear message to the FCC by voting in favor of this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Presiding Officer.

Mr. President, and anyone who may be listening to this ''debate''—which is really not a debate yet but probably will be a debate when we vote on Thursday when the time is allocated for Members to speak to present their positions on the resolution that is before the Senate—let us remind ourselves that the resolution that has been introduced, S.J. Res. 17, is a resolution to completely throw out all the work of the Federal Communications Commission that they have spent 2 years in crafting. That is not something this body should consider doing without a great deal of thought and understanding.

The Federal Communications Commission is a body of experts—people who have made careers of understanding the communications industry in this country—who are charged with looking after the best interests of the people of this country with regard to communications policy, and also to make sure that the system they devise, in keeping with what Congress has done, is a system that allows American industries to prosper, thrive, and to be successful in bringing about good communications to the people of this country, and at the same time try to create a level playing field that really balances the national interest with the public interest and with the interest of legitimate communications companies.

It is no question that it is a public interest we are talking about because the airwaves do belong to the public; they do not belong to the companies. The real challenge the Federal Communications Commission has always had is to create the proper balance that protects the public interests for those who use the public airwaves and at the same time allows companies to be able to make a sufficient profit to be able to operate and provide the services which are expanding at an incredible rate.

There is no question that America has clearly the best communication system in the world. We have more services available to more people at a price that is more affordable than any other country anywhere in the world. You can argue the Internet is not fast enough or we do not have enough choices between cable companies or that the rates are too high; those are basically issues we deal with through the commission, and they make recommendations.

Congress has enacted overall communication policy and the FCC has to follow what the Congress has said. They have come up, after 2 years of study and hearings and public debate, with recommendations dealing with ownership rules as to who can own and in what degree of concentration television stations and radio stations and newspapers to try and make sure we do not get out of balance; that the American public is protected by having a different choice and fair choices about what they want to watch, what they want to hear, and what they want to read. That is what the Federal Communications Commission does.

The resolution before the Congress says after 2 years and what has been presented as rules under the FCC, we will throw all of that out; that the Congress, in its wisdom, will take a couple of hours, debate this issue, and throw out 2 years of work by the FCC, 2 years of hearings, 2 years of debate, 2 years of discussion and we will have a hearing in the Commerce Committee that will last a couple of hours and debate it 30 minutes apiece on Tuesday and then vote on whether to throw out what the Federal Communications Commission has done for 2 years as a matter of public policy.

It is clear the administration says this is not the right thing for the Congress to do. I ask unanimous consent to have printed in the RECORD a statement of administration policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 11, 2003.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 17—DISAPPROVING THE RULE OF THE FEDERAL COMMUNICATIONS COMMISSION ON BROADCAST MEDIA OWNERSHIP

The Administration strongly opposes Senate passage of S.J. Res. 17, a resolution disapproving the rule submitted by the Federal Communications Commission (FCC) with respect to broadcast media ownership. The Administration believes that the new FCC local and national media ownership rules more accurately reflect the changing media landscape and the current state of network station ownership, while guarding against undue concentration in the marketplace. S.J. Res. 17 overturns all of the FCC's new media ownership rules—negating almost two years of careful study, detailed analysis, and thorough review; creating significant regulatory uncertainty; and preventing the implementation of important new rules which will improve the quality of local news and support free over-the-air broadcast television. If S.J. Res. 17 were presented to the President, his senior advisors would recommend that he veto it.

Mr. BREAUX. It says if Congress passes this, we will veto it. It is very clear. The administration says the new FCC local and national media ownership rules more accurately reflect the changing media landscape and current state of network station ownership, while guarding against undue concentration in the marketplace. They point out this resolution throws all of that out the window, replaces it with nothing, and says we do not like it. Maybe some people like some of it and do not like other parts, but they got rid of everything the FCC recommended.

That is bad policy and not something the Congress should do. I strongly oppose the resolution. I hope the Congress, in the wisdom of the Senate, will not adopt this resolution. Or at least I hope we do not adopt it in such a large margin that it prevents it from being successfully vetoed.

Many of the arguments, when talking about television, newspapers, and radio come down to big is bad and small is good. That is obviously a simplistic statement and a simplistic argument.

Many of the people who support the resolution talk about three areas: localism, diversity, and media concentration. In reviewing what the FCC has done in each of these areas, you will see we have a fair approach to guiding how the industries operate in the 21st century. This is not 1930, before we even had television. When Americans finally got a TV, citizens had a choice of maybe one network and then three. We have so many choices now people do not know what to pick. I have 150 television stations I can watch with diversity and differences of opinion.

When they talk of localism, they say we have to get rid of this resolution because of localism, we want to have more local people able to own the stations. I remember a group of businessmen came to me and argued about localism and how they wanted to make sure the networks did not own all the television stations because if the networks located in New York City owned all the local TV stations, everything would come out of New York. I am reminded of the television commercial. When they ask where they are from and they say New York City, they said, String 'em up, as if people in New York cannot be fair and make sure that local people get what they want, because they can.

They argued if the networks owned all the local television stations, somehow everything would be directed out of New York by the network owners who own the local station down in Louisiana. These people own stations in my hometown down in Louisiana. I asked them where they were from and they were from New York City. The idea that local ownership means a local group of people in the local town will own the local television station is not in keeping with the facts. Stations not owned by networks are not owned by a local mom and pop, people in the local community. They are, in turn, also owned by a large corporation, many headquartered in Los Angeles or New York or large entertainment centers around the country.

The argument falls when you talk about localism by saying if networks could own stations, you are preventing local stations from owning a local station in a community. It is simply not true. It is very rare indeed when a group of local owners happen to be from the local community as opposed to being very large companies and corporations that own the stations themselves.

They say if you have the local owners, you get better local news, because they will have more interest in providing what the local community wants. It is not borne out by the facts. In fact, studies we have received in the committee clearly show—and this is a factual determination—that the network-owned stations—ABC networks, NBC, CBS networks that own the local stations—on average present as much as 37 percent more local news than the non-network-owned stations. That is important for those who argue you have to throw the rule out because we do not want the networks to own the stations, because if the networks own the station you do not get local news coverage. The actual facts show when you look at the programming, the network-owned stations, on average, show 37 percent more local information programming, more local community needs shows and information-providing shows on local events, and they provide 37 percent more coverage of local events than the non-network-owned facilities. The fact is most of the locally owned stations are not locally owned but are owned by corporations all over the United States. The networks do a much better job of providing local input and local news than the network affiliates.

The argument some make that we need this resolution to throw out this rule because we do not want the networks to own the stations because we want to have more localism is clearly not borne out by the actual facts, just by reading the schedules of the local news available on network programming and network-owned stations as opposed to non-network-owned stations.

The other argument is you have to have diversity. I mentioned a little bit about this in my first argument. They say if the networks own the stations, you will not have diversity; you will not have diversity of opinion; you will only have the network's opinion broadcast and no diversity or difference of opinion. What we have to look at is who actually owns the non-network stations. They are, indeed, large corporate entities. Nothing wrong with that, but large corporate entities,

many of them on the Fortune 500 list of some of the most profitable corporations in America. Nothing wrong with that. But it is not a lot of difference, if any, whatsoever, from the networks that own the stations.

The Tribune Corporation, Gannett, Hearst-Argyle, Cox Communications—are these mom-and-pop operations? Of course not. They are large corporations that operate all over the United States. They operate cable companies, newspaper companies, television stations all over the United States. They are not going to bring about any more great adversity than the networks that own their share of stations.

The final contention is media concentration. The argument that some would make is, well, the amount of media concentration is so bad, when you have the network-owned stations, with a rule that says you can go from 35-percent penetration in the market to 45 percent, it would allow this media concentration to exist to a certain extent that would be very bad for the American public.

We have about 1,721 full-power television stations operating in the United States of America. There are a little over 1,700 of those stations. The concentration of the networks owning these stations is indeed very small.

CBS, through Viacom, owns about 3.4 percent of the total television households in this country. On average, their concentration of the network-owned stations is about 2.27 percent of the stations in the country. Fox—we all know the Fox network—owns about 2 percent of the stations. NBC owns about 1.69 percent. ABC owns .58 percent of the stations that operate full-time, full-power television in this country.

Our hearing in the Commerce Committee showed very clearly that no one tried to defend this existing 35-percent so-called cap that we have as a rule right now; that the FCC moved up to 45 percent because the measurement of concentration is totally unjustifiable and unsustainable.

The current rule says if you have a television station in a market or in several markets that add up to 35 percent of the population, you have reached the cap. That is absolutely a totally inadequate measurement of media concentration. It is like saying if I sold cars in New York City, which has 6 percent of the U.S. population, therefore I am selling cars to 6 percent of the population of the United States, when, in fact, I just have one car dealership in a city that has 6 percent of the population.

If there were no other car dealers in New York, yes, then I could say that I am selling 6 percent of all the cars in America because I am selling them in the city and I am the only dealer there. But that is the problem with the measurement we are using today and the reason moving it up to 45 percent certainly makes sense.

If I had television stations in Los Angeles, New York, Houston, and Miami, I would probably pass the cap—even if no one in those cities ever watched my television station. The current measurement assumes if you have a TV tower and a station in each one of those cities, in those cities everyone is watching your station every day, all day, and only your station.

Well, some of these cities have 150 television channels that people watch. They don't just watch NBC or CBS or ABC or Fox. They have 150 stations they can look to. Yet the current rule says if you have one station in each one of those big markets, and the population of those markets adds up to 35 percent of the population of the United States, you have reached the cap, and you cannot go over the cap, and you can't have another TV station—when, in fact, no one in the city may be watching your station or maybe only a few people in the city watch your particular station.

So when you are talking about concentration, it is not where the TV tower happens to be located; it is how many of the people in an area are watching your station. If you look at the ratings, you see that none of these operations in prime time come anywhere close to having 35 percent of the people in the country watch their station.

For Viacom, what, 3.4 percent is the amount of people watching. It is 3.4 percent of total TV households. It is not 35 percent; it is not 45 percent; it is only 3.4 percent. But the way the FCC and Congress measure it, because they have stations in large cities, such as Los Angeles, somehow they have reached the cap and they can't go over the cap, and, therefore, the idea of raising it to 45 percent some believe is so bad because of this media concentration; when, in fact, it has nothing to do with concentration. The current measurement is really outdated and makes no sense whatsoever.

So when people say the FCC is raising the cap to 45 percent, and a station can have 45 percent of the viewing audience in the country, it has nothing to do with that. The measurement only indicates the number of people in a city who could possibly be watching the station. If they were the only station in Los Angeles, that may be true, but when they have 150 other TV stations they are watching—you see the highest concentration is CBS with 3.4 percent, Fox is 3.1 percent, ABC is 1.5 percent, NBC is 2.8 percent—I think it really does not make the argument on the question of diversity and media concentration by saying that because you are located in a large city, you have media concentration merely because there are a lot of people in that city.

It is just like back to my example of owning a car dealership in New York. Obviously, just because New York is 6 percent of the population does not mean because I own an automobile dealership in New York I have sold every single car that is bought in New York. If I did, I would have 6 percent of the concentration of car sales in the country. But there are probably 1,000 car dealers in New York, and, obviously, everybody has a little piece of the action, but nobody has 100 percent. Yet the measurement the FCC uses really measures not the amount of concentration, it merely measures the population of the city.

So those who say what the FCC did was incorrect because it allows greater media concentration, that is simply not true. So I think the resolution should be rejected. If Congress does not reject it, this administration will veto it, and the result ultimately will be the same.

But on the three principal arguments of localism, diversity, and media concentration that are used in order to say why this resolution should pass, I think the evidence and the facts, as opposed to the rhetoric, are very clear that those three reasons are not sufficient to overturn the Communications Commission that has spent 2 years in bringing this to us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

Mr. President, I withdraw my suggestion.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

Mr. President, let me begin with a chart that I had used previously. There is the suggestion that somehow concentration is not of any significant interest and, gosh, there is nothing wrong. This is all localism and mom-and-pop operations. I used this chart before. I mentioned Disney.

Let me just say that although I picked Disney out, I happen to like Disney. Disney has given me some of the more rewarding moments of my life when I was young. Disney is a great company. But it is a very large company doing a lot of things.

Let me go to News Corp: 22 TV stations including duopolies in New York, Los Angeles, Chicago, Dallas, Washington, Minnesota, Houston, Orlando, Phoenix. They have newspapers: the New York Post, the Times, the Sun. They have books: Harper Collins, Regan Books, Amistad Books, William Morrow & Co. They have sports teams: the Los Angeles Dodgers, the Los Angeles Kings.

I could go through all of this and describe the largest media companies, and you would see these are significant concentrations, dramatic concentrations in broadcast ownership, newspapers. And I don't know. Maybe some say it doesn't matter much.

I think it does matter. Let me describe at least one part of why it matters. The issue of localism, by which we say you may use the airwaves—they belong to the American people, but you

and your radio or television company may use these airwaves—not own them, but use them—in exchange for certain requirements. One of them is localism. That means you have to serve local interests.

The question is, how do you serve local interests from a thousand miles away, where you create some homogenized music and run it through a board and play it though your radio or TV operation in that hometown. Earlier, I described voice tracking. Someone may be driving down the road in Salt Lake City listening to the radio station, and the announcer, with a sonorous voice, says, ''Good morning, the sun is shining here in Salt Lake City; what a wonderful day to wake up and be in America.'' You would think, what a great resident to have broadcasting for our radio station.

The problem is, that person isn't in Salt Lake City; he is in a basement in Baltimore, MD, in a studio, ripping off a printer something that came from the Internet that says it is sunny in Salt Lake City. It is called voice tracking—pretending there is a local announcer on that radio station. That is going on all over the country now.

There is something called central casting on television. You can turn on two television stations in two cities and see the same television personality giving the news—homogenized regional news, because they cannot quite do it locally. They are trying to convince people this is a local news person. Let's pretend there is localism. That is what it is all about.

When you have these concentrations of ownership, this orgy of mergers that has occurred in recent years in both radio and television, it hurts there isn't much localism. We have had testimony before the Commerce Committee by a man who runs a pretty substantial television station. He said:

> I can't decide that my viewers don't want to watch a piece of trash that will come down from the network. Even though it is awful stuff they say you have to run it.

Here is an interesting letter. It is dated July 25, 2003, by a television station in Kansas City, Missouri, to someone who complained to them:

> We received your letter dated June 30, 2003, regarding the content of [a certain show] that aired on [this date].
>
> We forwarded your letter to the . . . Network. The Network, not [our station], decides what shows go on the air for [this network-owned station].

So it says that they don't decide what goes on the air in Kansas City. You can complain to us, but we don't decide. The network does. Is there localism involved in that?

One of my colleagues, on the floor of the Senate a number of years ago, when we were debating all of this, said something interesting. I decided to pull it out and read it today because it relates to this issue of localism. Should we care about whether someone in Bismarck, ND, or Chattanooga, TN, has an opportunity to decide this is not a program that meets our standards? Or should we say, look, let the networks decide, and whatever they decide to produce in New York or Hollywood is going to be shown in Bismarck, ND, or Chattanooga, TN, and it doesn't matter what the local folks think. My colleague, Senator Sam Nunn, in 1995, when we were debating this prior to the 1996 act, talked about violence on television, what was on television. He said:

To follow up on this issue, one member of my staff voluntarily conducted an unscientific survey of the topics on daytime talk shows. Every hour or so, he would scan the television on his desk and see what the day's topics were for the daytime talk shows.

The reason I point this out is this:

> The first day, one show was called ''Stop Pretending To Be a Girl'' and featured young boys whose parents were upset that their sons dressed and acted like a girl. Another show offered a show entitled ''Boys Who Only Have Sex With Virgins.'' Yet another show offered a girl dumping her boyfriend on national television and asking her new ''significant other,'' another girl, to commit to her.

He said:

> Mr. President, I thought that surely the next day's shows would pale in comparison to these. I was wrong. Subsequent days' reviews of these shows found titles such as ''One-Night Stand Reunions.'' Another show was entitled ''I Am Ready to Have Sex With You Right Now.'' And another show was called ''I Cheat and Am Proud Of It. One show featured a woman who chose to tell her fiance on national television that she cheated on him with her sister's boyfriend . . .

It goes on and on. He said:

> Perhaps the most appropriately titled show of all was the one entitled ''You Look Like a Freak.''

Localism. Trash on television. Should someone who owns a television station in Tennessee have the ability to say, you know, what you are sending us in this time period is a show I don't think represents any kind of standard that makes sense for us. The answer is that too often the station are not allowed do that because someone else calls the shots, not the local folks.

When you have this concentration, local standards no longer matter. Will there be more concentration as a result of what the FCC has done with its rules? Of course. In fact, I will read a letter written by W.B. Grimes & Company that was written before the FCC even ruled. They wrote it to the publisher of a newspaper in Seattle:

> As you know, the FCC is considering elimination of the ban on cross-ownership of media properties within a daily newspaper publisher's given markets.

They can then buy the television station in the same market.

It says:

> In anticipation of that ruling, several newspaper groups are already forging alliances and cutting handshake agreements with both radio and television broadcasters in their markets. If you are considering broadcast acquisitions to bolster your market presence, we believe the time to act is now.
>
> We would like to be your broker.

This was before the FCC acted. Most people thought the FCC was going to do what the big interests wanted them to do. Here is a broker saying, let us get involved so we can help you buy television stations. Once again, more and more concentration.

I will talk about some of the voices opposed to this. Some of my colleagues talked about this. William Safire, a very conservative columnist, who worked for President Richard Nixon as a speech writer, and for the New York Times for many years, said:

> The overwhelming amount of news and entertainment comes via broadcast and print. Putting these outlets in fewer and bigger hands profits the few at the cost of the many. Does that sound unconservative? Not to me. The concentration of power—political, corporate, media, and cultural—should be anathema to conservatives. The diffusion of power through local control, thereby encouraging individual participation, is the essence of federalism and the greatest expression of democracy.

U.S. Conference of Catholic Bishops:

> Without diversity of ownership, our meaningful alternatives to syndicated shows and info-mercials, and public affairs programs, are in jeopardy.

NRA's executive VP Wayne LaPierre said:

> Most cities have only one major newspaper to begin with. Add ownership of the dominant local TV station, the top AM and FM bands and the local cable TV provider. Then do the same thing in 20 or 50 cities, and you see how a multibillion-dollar corporation corners the market in the marketplace of ideas.
>
> Minority or unpopular causes—think of women's suffrage in 1914, or civil rights in 1954—would be downplayed or dismissed to keep viewers watching and advertisers buying. That's no way to run a democracy.

That is the executive vice president of the National Rifle Association. That is not a liberal organization.

Walter Cronkite:

> The gathering of more and more outlets under one owner clearly can be an impediment to a free and independent press.

I could go on and on.

Parents Television Council:

> Almost 80 percent of families rely on their hometown papers and TV for local information. People can't turn to a national news network over the Internet. They provide one-size-fits-all programming, controlled from an office hundreds, perhaps thousands, of miles from your town.

Barry Diller, former head of Universal Studios, who has acquired a rather substantial enterprise in information:

> The big, bad truth is—and I don't think it is given enough importance—the big four networks have in fact reconstituted themselves into the oligopoly that the FCC originally set out to curb back in the 1960s. They may have controlled 90 percent of what people saw, but they operated with a sense of public responsibility that simply doesn't exist for these vertically integrated media conglomerates, driven only to fit their next piece in the puzzle of world dominance.

Let me speak for a few moments about my colleague, Senator MCCAIN, someone for whom I have great respect. -

He gave a statement and I told him I was certainly not going to be supportive of his contention that anything we are doing here or any reason to come to the floor of the Senate on this issue has to do with the 1996 Telecommunications Act. That was his contention. Nothing could be further from the truth, in my judgment. I just disagree with that.

In 1996, when we rewrote the Telecommunications Act, beginning in 1995, we addressed these very issues. I offered an amendment on the floor of the Senate in 1995 to S. 652 during debate on the Telecommunications Act—an amendment by Senator DORGAN of North Dakota: To strike the provisions of the bill that would allow television networks and other chains to own no more than 35 percent of the Nation's households and take it back to 25 percent.

We had a vote on that amendment. Guess what. I won the vote by three votes. Senator Dole was standing at that chair—at that point he was majority leader—and Senator D'Amato from New York was at the desk in the back. I won the vote by three votes, to roll back the 35 percent, which was in the telecommunications bill, to say: You can't own more than 25 percent of the reach in this country when you own television stations.

Guess what happened? Dinner intervened. The worst thing in the world around here is dinner because over dinner—we call it supper back in my hometown—over that period when you eat your evening meal, although I had won by three votes at 4 in the afternoon, three of my colleagues had some sort of epiphany over their main course, apparently. Senator D'Amato came back and asked for reconsideration, and he and Senator Dole decided to overturn the vote by which I had won at 4 o'clock that would have prevented the 35 percent and gone back to 25 percent. They changed three votes. We came back 3 hours later and I lost. So I won for 3 hours.

My colleague—incidentally, Senator MCCAIN made the point I voted for the 1996 Telecommunications Act, which I did, to be sure—my colleague Senator MCCAIN voted against my amendment that would have rolled back the 35 percent back to 25 percent.

I was fighting then to stop this gross concentration that is going on in the broadcast industry, and I won for 3 hours. Then I forgot, when you get people out of this Chamber and get arms twisted, you can have a re-vote and several people will apparently come here with a different mind-set. Winning is temporary in those circumstances, and it certainly was that day.

This is a situation I understood then exactly what was going to happen, and it has happened wholesale. I mentioned earlier we have one company that has well over 1,200 radio stations in this country. The same is happening in television and happening very quickly.

With newspapers, this new FCC rule says: Oh, by the way, in addition to allowing more concentration in radio and television, let's let the newspapers own the television stations and more radio stations in the same marketplace. I was taught long ago never argue with anybody who buys ink by the barrel. I guess I never quite understood that lesson.

Here we take on the American Newspaper Association and the publishers, and they are lobbying furiously because they are opposed to what we are doing. They want to be able to buy television stations in the same city.

I said the extension of what the FCC is going to allow to happen as a result of their rule is this: That in the largest American cities one company will now be able to own the dominant newspaper, the dominant television station, two other television stations, eight radio stations, and the cable company, and they can do that in city after city. If you think that is in the public interest, then I say look up the term ''public interest'' in the dictionary or understand the public interest in the context of what we ask of radio and television stations, of what we need for the free flow of information in our democracy. It is not in the public interest.

I seldom ever come to the floor to say ''I told you so,'' but it is almost too tempting to avoid at this moment. In 1995, following what happened on the floor of the Senate when I was attempting to stop this orgy of mergers that was going to occur, when I won a vote for 3 hours and then lost because my colleagues left to have something to eat, this is what I said:

> If these changes are enacted, the media industry in this country will be controlled by a handful of conglomerates in the future. The long-held principles of localism and diversity will suffer.

I said that on June 15, 1995, when I was fighting then for the same principle I fight for today, and that is to stop the massive concentration. What the American people see, hear, and read will increasingly be controlled by a very few voices. That is not in the interest of this country.

I have more to say. I believe the Senator from Virginia wishes to speak either perhaps strongly supporting this resolution or maybe he will oppose it. Perhaps the latter. What I would like to do is allow him to speak, and I understand the Senator from New Hampshire is also going to be on the floor. I am going to make some concluding remarks this afternoon.

I yield the floor so the Senator from Virginia can make his presentation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be allowed to consume as much time as I may require to speak in opposition to this proposed resolution.

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

Mr. ALLEN. I thank the Chair.

Mr. President, I rise today to urge my colleagues to oppose this resolution which will essentially throw out six media ownership regulations issued by the FCC on June 2. There are a variety of issues to cover, and I hope to do that in a coherent and cogent manner.

Let me first say to my friend from North Dakota, the issues we are talking about are media ownership of 35 percent versus 45 percent; the issue of cross-ownership, whether newspapers and TV stations can be owned by the same entity or enterprise; and the other issue is whether medium and smaller sized markets are afforded the same opportunities for working together as are allowed in large media markets.

Those are the three issues. A lot is focused on just one issue, but the cross-ownership and the so-called duopoly or multiple ownership issues are also very important.

It was said by the Senator from North Dakota that the local TV cap and cross-media rule are going to allow one company to dominate sources of news and information in one community. This is simply not true. It is an alarmist argument that may get folks all fired up.

The rules the FCC put forward modify the rules that represent long overdue reactions to very extensive and well-researched and documented changes in the marketplace. The new ownership rules that are being put forward ensure no company can dominate a local media landscape.

In reality, the newspaper cross-ownership will continue to be completely prohibited in all markets with three or fewer TV stations while only cross-ownership will be allowed in midsized markets with between four and eight TV stations. Only in the Nation's largest market, representing approximately 70 out of the 210 TV markets in the United States, would cross-ownership restrictions be removed.

Even in those markets, however, parties will continue to be subject to the FCC's separate local television duopoly and radio ownership limits. So any newspaper-broadcast combination thus will be subjected to competition from at least three and generally more independently owned television stations, numerous radio outlets, not to mention the wealth of cable, DSS, the Internet satellite print competitors, as well, that make up the contemporary media ownership spectrum that is available to consumers.

From the very beginning, in the 1930s, the core principles that drove the Nation's communications policies were localism, competition, and diversity. Ownership rules are a byproduct of this public interest and in constructing rules, our Government seeks to preserve these principles, and they continue to be preserved with the FCC's regulation.

After 20 months of decisions, comprehensive, exhaustive analysis by the FCC, they have finally done what the

courts and the Congress commanded them to do—to adopt new ownership rules that are based on empirical evidence and also the present marketplace.

On June 2, the Commission made positive steps in crafting updated rules to take into account the new media outlets that are available to consumers for news information and entertainment.

Every 2 years, the FCC is required by the Telecommunications Act of 1996 to review the media-ownership regulations. Over the past 2 years, five of the six ownership rules were challenged in court. In each case, the FCC's prior regulations, or regulations at that time, were overturned. Indeed, both Congress and the courts have given the Commission a high standard of establishing legally sustainable ownership limits that most importantly remain in the public interest.

Unfortunately, many have turned this important policy debate into a political one, substituting opinion for fact. Allegations that these rules will allow four or five companies to dominate all major sources of news and information in one community make for good headlines but are simply not grounded in fact.

Over 40 years ago, in the era of black and white television, three networks controlled the TV airwaves, providing only 15 minutes of evening news and 5 minutes of brief news snippets throughout the day on an irregular basis.

Today, the fact is there are more choices available to the consumer in terms of how they access information than any other time in our Nation's history—in fact, more than any time in the history of mankind. Even in small towns, the number of media outlets, including cable, satellite, radio and TV stations, has increased by over 250 percent during the past 40 years.

Independent ownership of these outlets is far more diverse with approximately 139 percent more independent owners than there were 40 years ago. Today, there are three 24-hour all-news networks, seven broadcast networks, and over 300 cable networks. The multiple news programs, independent commentary, public affairs channels are all fueling our democratic economy and opportunities. There is more programming, more choice and more control in the hands of citizens today than ever before.

Sure, times have changed, changed for the better, and the rules governing this burgeoning industry also ought to change to reflect the current state of innovation and new technologies. Otherwise, the rules that were once designed to help consumers, if this resolution passes, have the potential to harm consumers, limiting quality and opportunities for choice programming.

Much of this debate gets focused on the 35-percent versus 45-percent broadcast ownership cap and whether that ought to be increased. Our opponents maintain that increasing the cap presents a problem because the five major broadcast networks already own 80 to 90 percent of the top cable channels. In truth, the five companies do not control the majority of the channels. Eighty to ninety percent, that statistic, is what the opponents refer to as actually related to viewership.

Now, we heard earlier about Disney and we do not want to be against Disney. Well, let's just take last Sunday night's ESPN broadcast of the Raiders-Titans game which was played in Nashville, TN. I did not particularly like the results, but it sure did score big ratings, averaging 10.8 million viewers, averaging 7.8 million households. However, this number only amounts to approximately 11 percent of all households that subscribe to cable or satellite programming. This is by far the No. 1 for ESPN for an opening Sunday night game. At any given time, a consumer watching television actually has an opportunity to look at 54 different stations.

Sunday night's game was the highest rated regular season game in the Nashville TV market since the Titans moved to Music City. Of the sixty-eight percent of the televisions that were on in Nashville, two-thirds of them were watching the Raiders-Titans game. That is about 48 percent of all TVs, so not every TV was on. Nevertheless, those that were on, 68 percent were watching that game. It was the sixth highest rated TV broadcast overall in Nashville since 1997. The top four, and five of the top six, highest rated TV programs in Nashville since 1997 are Titans games. That was led by last January's AFC championship game, in which case I was more happy in that the Raiders beat the Titans, but that was the No. 1 Sunday game of all-time back in January.

With this approach, since people in the Nashville, TN, area, or maybe in the Oakland area or elsewhere, two-thirds of them wanting to watch that game, does that mean we ought to be prohibiting or regulating or punishing ESPN or ABC or Disney because they have programming that people actually want to watch? What do we want to make them do, watch something we think is better for them than popular programming?

This is a rare situation that there is such viewership, but that will happen. It is consumer choice to see it. In my view, what we ought to do is trust free people. I would never advocate limiting consumer choice or American's ability to access information.

We are all concerned about consolidation. We all are opposed to monopolies and care about antitrust. We want to preserve diversity and competition in the media marketplace, but if we look at the real number of options that are available to consumers today across media outlets, consumers have an unprecedented abundance of choices.

We get statistics from 1943 to 2000, and there are obviously big increases. Newspapers are about the same or slightly less. In 1943 there were about 1,700 daily newspapers. Now there are approximately 1,500. In 1943 there were 931 AM stations. In 1978, there were about 4,500. In 2001—the best statistics we have presently—it has gone up to 4,700-plus AM stations. In 1943, there were 59 FM radio stations. In 1978, there were 4,069. It has doubled since 1978 to over 8,285 FM stations.

Full-power TV stations have gone from 6 in 1943 to 988 in 1978, and in 2001, there were 1,686 full-powered TV stations. In 1978 there were zero lower powered TV stations. In 2001, there were 2,212 low-powered TV stations. Cable started kicking off in the 1970s, and it had about 13 million subscribers. Now, in 2001, there are 69 million. DBS subscribers, of course, there were zero if we are talking about to 1990. In 2001, there were 16 million plus.

There are a variety of other areas: Internet access, big difference. Nobody was using Internet access back in the 1990s. Now there are literally hundreds of millions of people on the Internet, and Internet access is about 72 percent. Broadcast networks in 2001, 7 in English and 2 in Spanish; cable networks are now approximately 300; and there are over approximately 2,454-plus channel cable systems. That is what is in the power, in the discretion, in the choice of the American people. They are the ones who see the competition. They are the ones who have control and are making the choice as to what they want to watch.

On the issues of newspaper cross-ownership and the local television ownership or duopoly issues, if the resolution were debated today and passed next week, we would be reverting back to the rules that were created in the 1970s. In both cases, the rules are outdated and largely unnecessary, given the increase in the number of media outlets. In some cases, cross-ownership may actually benefit consumers in smaller markets where broadcast companies and newspaper owners face financially challenging conditions. If this resolution passes, local television stations in smaller markets will be prohibited from combining to pool their resources to provide better programming and more local coverage.

We all know local news and reporting is expensive to produce, both in getting digital equipment and quality news staff. Those are major expenses, especially in smaller markets where there is less advertising; therefore, less can be charged but there are still pretty much the basic same costs as a large market would have. And while the large market can get all that advertising revenue because they are potentially having contact with more people, they can get their costs recouped. In the smaller markets, there are pretty much the same costs with less of a revenue stream, which makes it more difficult to operate stations in those smaller markets.

I am aware of at least two markets in Virginia—Harrisonburg and Charlottesville—that would benefit from the new media rules the Commission issued on June 2. Both of these markets are very small in comparison to the big markets of New York City and Los Angeles and simply don't have the same resources available for comprehensive news programming and so forth that the New York City and LA markets may have. But they still try to make it in a smaller market.

Another interesting nuance, ignored in this, is what this does to some markets that were grandfathered, before the 1996 act. In some Virginia markets, and one shared with Virginia and Tennessee, back in 1975 they were grandfathered, or waived, under the ownership rules. If this resolution passes, they potentially will no longer be able to provide local news—if this resolution passes. This is where you have cross-ownership. Previously, and currently under the present rules and law, both the Roanoke and Lynchburg markets as well as the Tri-Cities—which, as the President knows, are Bristol, Johnson City, and Kingsport—were grandfathered. If this resolution passes, potentially they will no longer be able to provide local news.

You also have in the Lynchburg market the local television station and the two local newspapers, the Lynchburg and Danville papers. Both of these media sources have been permitted to combine resources, and that has led to expanded news coverage and increased program offerings for their customers and constituents.

I am increasingly convinced by these successful examples in Virginia—this is not theory but it is fact—that we should be relaxing the newspaper cross-ownership rules and regulations. If this resolution passes, it will harm the ability of these voices and these markets to be able to pool their resources for more effective and better reporting and production. I think these FCC rules, by the way, preserve the key, core principles of localism, diversity, and competition.

A duopoly—local TV cap. I was visited by several constituent station managers from the Shenandoah Valley, Roanoke area, and Bristol. They raised the local television ownership rule which, if this resolution were to pass, would restrict ownership of more than one station in a market with eight voices or fewer.

These small, local television managers confirm that revenue and facility sharing would help keep struggling stations afloat in small markets and actually, and logically, would improve the quality and diversity of programming currently available to viewers.

It is certainly the prerogative of the Senator from North Dakota to use the Congressional Review Act and bring before the Senate this resolution of disapproval. At issue are some of the founding principles of government: Freedom of speech and the press, freedom to associate and to petition the Government, freedom to acquire and hold property in accordance with the law.

Our Founding Fathers understood that government should not have the power to restrict speech without deeply compelling justifications. I believe the public interest is ill served when Congress forces the FCC to revert back to ownership rules that were overturned by the courts for being outdated and not guided by solid factual records.

In my opinion, the congressional mandate established in the 1996 Telecommunications Act and the court order forced the FCC, in a positive and proactive way, to conduct a thorough and exhaustive review of the media ownership rules. I am confident that the Commission's June 2 order established legally sustainable ownership limits that accomplished these three goals: No. 1, promoting diversity, localism, and competition; No. 2, updating the rules to reflect a multitude of new outlets for news information and entertaining; and, No. 3, striking a careful balance that promotes the public interest while ensuring no one company can monopolize any one medium of communications or limit any American's ability to access information.

I will conclude by asking my colleagues to oppose this resolution, stand strong for freedom, and support the FCC. Don't foul up. Look forward. Look forward into the reality of opportunity today in America. Let's move forward with that rational, logical approach promulgated by the FCC.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SUNUNU. Mr. President, I rise in opposition to the Dorgan resolution. This is a debate and an issue that does bring us in touch with a number of the important issues discussed by the Senator from Virginia: free speech, media concentration, consolidation. It certainly affects our media markets and the shape of those media markets for years to come. But, at its heart, this is really a question of regulation, a new set of regulations, a different set of regulations put forward by the FCC, dealing with who can buy, who can own different kinds of media outlets—newspapers, TV, radio stations, and the like—and what kind of limits we are going to put on them.

So it is a debate about regulation and how much regulation is the appropriate amount on the part of the Federal Government. To what degree do we want the Federal Government interfering with, limiting, and manipulating the media that we as consumers enjoy and use in our daily lives? What level of regulation is appropriate and is really required to uphold some very important principles that you have heard the Senator from Virginia and the Senator from North Dakota and many others speak of—principles of localism, competition, and diversity, principles that we support, that the FCC works to support anytime it looks at a regulatory issue such as this one?

How much regulation do we really require to protect these important principles? This is not a debate about the poor quality of the TV that we might go home and look at, or look away from, every night. In some ways, I wish this were a debate about improving the quality of television because if we could just do that by a simple adjustment of these regulations, then we probably would all feel much better about the quality of television. But we can't.

To suggest this is about the quality of the television we see in any part of the country is to suggest that you believe limiting, say, Fox Corporation to the 35 stations it owns today versus the 40 or 42 or 44, or some number it might own at a future date with the new regulations, that somehow that would affect the quality of the programming we see. I think that is ridiculous. I don't think that program quality would be improved if we forced NBC to get rid of 8 of its 29 stations or 10 or 12 stations within the limits that we are talking about that any one of these companies owns. I don't think it would in any way affect the quality of television.

I am the father of three children. I am as frustrated as any parent about the search for good quality programming. I am frustrated about the poor quality of programming that is often put on television in the prime time hour. But that is the nature of modern media—whether it is cable or radio or television or even newspapers. We are not all going to be happy as Americans with everything that comes across the channels.

At the same time, I very much support the process that the Senator from North Dakota is using here, the Congressional Review Act. I think it does bear some emphasis because some people have come to the floor and have been somewhat critical of the process being used here—using the Congressional Review Act resolution to repeal a regulation that a Member of Congress or a Member of the Senate doesn't like. But that is exactly what the law was intended to do.

It is a law that was passed, I am pleased to say, when Republicans took control of Congress back in 1995. They said we ought to have as a Congress—as a House or as a Senate—a way to register disapproval; to repeal regulations that are put forward all the time

by very large bureaucracies, or different branches of the executive regulating commerce, or regulating the environment, or regulating the forestry issues, or, in this case, regulating the media. It is a very appropriate use of the act, but it is a resolution with which I strongly disagree. I will talk about those reasons this afternoon.

We are here obviously because the Senator from North Dakota has submitted this resolution of disapproval, or rejection of these new regulations, but the regulations were put forward in the first place primarily because of a couple of issues.

The first was in 1996. The Telecommunications Act sets the guidelines under which the FCC acts; that calls on the FCC to reconsider regulations that do not serve the principles of localism, competition, or diversity, and doesn't seem necessary to promote these competitive forces, or to serve the public.

The 1996 act actually calls on the members of the FCC to do exactly what they did; that is, reconsider these regulations and modify them if they believe it is in the public interest and the right thing to do.

Second, related to that legislation but even more current is the action of the courts recently. The courts struck down or remanded several of the media regulations—in particular, the 35-percent cap which we will talk about—and called on the FCC to either revise or justify the regulations that were on the books.

So you have two forces coming to bear. I am sure the FCC Commissioners weren't dying to throw themselves into the issue, but they were called upon effectively to do so by the courts and by the legislation that this very Congress passed in 1996.

These are proposals—I think as the Senator from Virginia discussed—which were very long in the making. It was not a spur of the moment recommendation or a spur of the moment change in regulations. For 20 months, there were deliberations, collecting comments, soliciting comments, and several hearings that took place. People came forward and spoke for and against different rules and for and against different concepts for changing those rules and to argue their point of view—to argue the very reasons they thought a change in the existing rules might be in keeping with the goals of the 1996 act and the three principles of localism, competition, and diversity.

There was a thorough process, not one that was without any disagreement but a great country, a strong country, and one where we take great pride in our ability to debate and discuss these issues with one another.

Let me talk about three of the proposals and the reasons I think at the end of this very thorough and very complete process, resulting in the rules put forward by the FCC, the reason I think the rules make sense, and why I don't think we should be rushing to repeal them or reject them. I believe there are several negative consequences of repealing these rules, which I will speak about at the end of my presentation.

First, we are talking about a proposal that will take the current 35-percent cap to 45 percent.

What does the 35-percent cap mean? Is it 35 percent of the television market share? It is not 35 percent of the television viewers on any particular night or any particular hour. It is not 35 percent of the television station. It is a cap on owning stations that can reach 35 percent of the population, the immense concentration that we hear about. Take NBC, for example, which owns 29 television stations. That is less than 2 percent of the number of full-power television stations in the country. I think they are the largest owner of stations. Perhaps Fox Corporation may own 35 stations, close to 2.5 percent of the full-power television stations. This is just a limit on the amount of viewers you can reach if every viewer out there happens to be watching your station.

If you look at, as I said, the number of stations that are owned, we are talking about a very small number on a percentage basis. Opponents of the rules and supporters of this resolution will say, well, let us talk about the six big companies. Those six big companies control 75 percent of the television viewers.

First, to suggest you are being controlled when you choose what you want to watch on television any given night, I think, misunderstands what television viewers are all about. But even if you look at those numbers—six companies, 75 percent of the viewers—let us go back 20 or 30 years; it used to be that there were three companies which had 90 percent of the viewers. I think things have changed in that regard for the better. But the numbers are even more striking if you break them apart further.

Those six companies may have 75 percent of the viewers because their shows happen to be popular, but they have fewer than 25 percent of the channels that would typically come through your cable or your satellite outlet.

On that cable dial, all channels are created equal. We used to be segmented in VHF and UHF. But today a majority of people receive their television through cable or through satellite. Channel 85 and channel 42 are just as likely to attract viewers, depending on the quality of their program.

It is a pretty fair fight when you think about it—pretty fair competition among the dozens of stations on the dial. Those six companies only control or own fewer than 25 percent of the channels. There is greater competition in that regard and greater diversity in that regard not only than we had 30 years ago but, quite frankly, than most people could have imagined 30 years ago.

With all the discussion about localism—it is a very important thing, indeed—there has been no connection shown between localism and a larger concentrated owner of these stations. Simply because a TV station is owned by one of the larger corporations does not mean it shows less local programming. It is a very important point. This has been studied. You can look at it empirically, look at NBC, Fox, or ABC-owned stations, and measure how much local programming they put on any given day and compare it to independently owned stations around the country and measure how much local programming there is on any given day. There is no difference. To the extent there is a difference, one of the most comprehensive studies the FCC relied upon showed a slight increase in local programming among those owned by the larger media entities.

Localism is important. To be sure, the FCC maintains its ability to press for and emphasize localism, diversity, and competition when they make decisions of who can and cannot purchase a license. And all of the purchases of licenses—radio, TV—are still subject to FCC review and still subject to antitrust laws that govern monopoly power in this country. So that is one of their regulations. Probably the one that gets the most discussion is the movement from a path of 35 to 45 percent of the audience that could be reached by all the stations.

The second regulation that received a lot of discussion is the issue of cross-ownership, whether you can allow a company that has a newspaper to also own a TV or radio station. Here we actually have cases we can look at. The FCC did look at it and asked the question, Where cross-ownership occurs, are localism, competition, and diversity poorly served? Do we have problems? Do we have conflicts of interest? Do we see a reduction in the responsiveness of the media outlets to local community needs? We can look at existing evidence because there were 40 markets that were grandfatherd by the FCC, 40 markets where entities already engage in cross-ownership. There was no harm found by the FCC. That certainly does not mean everyone is happy with everything that newspaper or radio station or TV that has cross-ownership produced. I am sure we will hear from Members that might in their remarks speak to personal experiences where they do not feel they were treated well by a newspaper or radio station. That is unfortunate for them.

But that is the nature of the country's free media and free markets. It is something that ultimately, when we get over the personal feelings, every member of this Chamber is proud of, that this country allows such a free and open media.

Again, where cross-ownership issues come into play and purchases of TV or radio station and all spectrum come into play, the principles of localism, competition, and diversity will be protected, but antitrust provisions still hold. That is important to remember.

A third and final area of regulatory change or regulations that has been discussed in this debate is radio ownership. There is a little bit of irony here because this is something that cuts close to home for the Senator from North Dakota, the celebrated case in his State where one company was able to acquire six or seven radio stations that all covered one particular region of the State, a very clear case of dominance of radio in a particular region of the State. But with regard to radio ownership limits, the FCC actually tightened the regulations. There is no change to the regulations on the number of stations you can own in a particular market in an attempt by the FCC to actually tighten the definition of market areas in order to prevent that unfortunate situation from happening again.

We can critique the radio stations or the large radio station owners, talk about their business practices or things we liked or disliked about them, and there are important points to make, but they do not really have any bearing on this debate because even if this CRA provision offered and were to pass, there would be no significant modification to the radio ownership structures.

If the resolution passes, it does have a number of other counterproductive effects that concern me. First and foremost, it would surely send these issues back to the courts. That is one of the reasons—not the only reason but one of the reasons—the FCC acted in the first place because the courts had said there is no justification for the regulations as currently structured. So if this resolution passes and were to pass the House and get signed into law—which is unlikely to happen, and I certainly do not support it—if it were to be signed into law, this would all be thrown back into the courts and we would have a very uncertain environment for ownership, for media, for evaluation, and for business. Whether you are an entity large or small, independent or corporately owned, it would create an uncertain marketplace.

Second, this resolution turns back the clock. I don't believe that is a good thing, in that turning back the clock would ignore the enormous changes we have seen to the industry over the last 10 years, let alone the last 20 or 30 years. A number of the regulations that are modified or adjusted by the FCC date back 30 or 40 years to their original crafting.

I know it is difficult to picture what the state of television was for many of the younger Members of the Chamber, but I amaze my children constantly when I describe it in a world where you had to walk across the room to change the channel on your television. I am old enough to remember those days and they seem not so long ago, indeed. Times have changed enormously. Regulations dealing with this industry and with the media markets need to be updated to keep pace with the evolution of technology, to protect the values of localism, competition, and diversity, but they do need to evolve with the changes in technology.

A third and final concern if this resolution were to pass was raised by FCC Chairman Michael Powell in a piece he authored yesterday or today for publication. That is, it could well portend the end of free TV. Rolling back these regulations with the passage of this act could result in the end of free TV. It sounds like a pretty dramatic claim. I think it bears some additional description. How could that be?

Free TV depends on advertising for its revenues. Cable TV depends on both advertising revenue and cable subscriptions—monthly fees or per-show fees paid to watch programming. Simply put, that is a better business model. Anyone can see that. Pay TV has a better, stronger, more robust business model. If you do not believe it, look at the migration of so-called quality programming—sports, entertainment, even certain forms of news programming from free TV to cable TV over the last 3 or 4 or 5 years, let alone the last 10 or 15 years. Go back 10 or 15 years, it is a wholesale migration, but you can see changes in the last 3, 4, or 5 years.

If we repeal the rules, we create a tougher competitive environment and more restrictive competitive environment for the free TV networks or stations. You put them at a competitive disadvantage relative to cable and pay TV. So the acceleration and the movement of that so-called quality programming to cable TV will only accelerate and make it tougher and tougher to sustain any level of quality among free TV in the marketplace.

I could be cynical and say, That is fine with me. I don't care. I have cable TV and I will still continue to get lots of channels, lots of entertainment, lots of news, and lots of sports. Many people would argue, and part of me certainly would argue, that there is a value and a benefit to free TV especially in those areas of our country that are at an economic disadvantage, where cable TV does not have the penetration of urban areas and where people simply cannot afford to pay for cable TV.

Those are serious considerations. The effect of free TV, turning back the clock with regard to the evolution of technology and throwing the issues back into the courts, all of those would be cause to reject this resolution in and of themselves.

But on top of that, we see that the radio ownership regulations are effectively untouched. Cross-ownership has already proven its ability to work in the marketplace without harming the principles of localism, competition, and diversity. And the adjustment from 35 percent to 45 percent of national ownership cap, I would contend, is modest. It is very modest, indeed, when you look at what the true market share numbers are and the number of channels.

This is an important debate. I appreciate being given time to talk on these issues. I do hope my colleagues step forward to reject this resolution, although, as I say, I certainly respect the way in which it has been offered and the process the Senator from North Dakota has gone through to get us to this debate.

We respect the ideals of free speech, of democracy, and we work to promote the idea of competition and diversity in media ownership. I believe that is exactly what the FCC has done and attempted to do in crafting these regulations. I hope we will reject this resolution and continue to move forward in a thoughtful way, and to a world and to an age of technology and media that, frankly, we can't quite picture today which will be exciting, will provide opportunities, and will continue to promote the ideals of free speech upon which this country was founded.

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

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, this has been an interesting discussion on the floor of the Senate today on an issue that I think is very important and one that will affect the life of every American citizen. It is complicated and difficult to understand. In some circumstances, it deals with cases of law in Federal court, ideals with arcane rules, and the history of the Federal Communications Commission with respect to broadcast ownership. So it has all of those aspects.

I respect the fact there are those who feel strongly on the other side of the issue. I believe very strongly, of course, that the Federal Communications Commission has created a set of rules that will benefit the largest corporate interests in this country in broadcasting. I think they will, however, be a significant detriment to the American people.

I was sitting here thinking about the issue of radio and television. Of course, we have not had radio and television in the lives of humankind for very long. It is a relatively recent phenomenon. And I was thinking of the statement that was attributed once to David Sarnoff. I don't know for sure that it was his. But he was asked to comment about the advent of the radio when he was presented with this new invention, and he said: ''The wireless music box—which he called it—has no imaginable commercial value. Who would pay for a message sent to nobody in particular?''

That was his vision of radio. But, of course, radio has become a very significant feature in our lives, and television as well.

Television is a central part of the lives of many Americans. I am told that when children go to school in this country, by the time they are a senior in high school and graduate from school, they have spent somewhere around 12,500 hours sitting in a classroom in our schools and around 20,000

hours in front of the television set. It tells you a little something about the importance of television in the lives of at least children.

Let me respond to just a couple of the thoughts that have been expressed by my colleagues. My two colleagues who just spoke are on the Commerce Committee, and on the Commerce Committee they supported the FCC and believe these rules are appropriate. They indicated, for example, that in many ways these rules are for the purpose of protecting—they don't use the term ''mom and pop,'' but let me use it—this is really for mom and pop television stations—you know, the little guy. It is helping the little television station out there that you know is going to go by the wayside if we don't let the big guys buy them up, I guess is the contention.

In fact, Commissioner Powell has an op-ed piece in the Wall Street Journal today. He begins his Wall Street Journal op-ed piece by saying: ''The days of free television may be numbered.''

That is Commissioner Powell in today's Wall Street Journal. And he uses the title ''And That's the Way It Is.'' I guess that suggests Walter Cronkite, who actually opposes what Commissioner Powell is doing. ''And That's the Way It Is.''

The days of free television may be numbered.

Interesting. This rule is nothing about free television. It certainly is nothing about mom and pop. It is nothing about saving small television stations. Its point is that we are in the midst of a lot of change that has a dramatic impact and the only way the television industry can make it is to allow this concentration.

Well, perhaps we could just separate some fact from fiction. There is no evidence anywhere that the television industry or television stations or mom and pop stations are in any kind of financial trouble. We have a substantial amount of evidence, in fact, that that is not the case.

Let me quote Barry Diller, who is a giant in this industry. He recently said: ''Anybody who thinks the networks are in trouble hasn't read the profit statements of those companies. The only way you can lose money in broadcasting is if somebody steals it from you.'' That is Barry Diller.

The Wall Street Journal reports that:

Fox's president for sales said, ''We all knew that it was going to be big, it just turned out to be the biggest year that we had ever had.'' The chairman of Fox Entertainment noted that Fox will generate significantly more revenue this year than in its previous 17 years, with revenue growth up more than 20%.

So free television in financial trouble? I don't think so. It is interesting to hear this discussion, that somehow the rule the FCC has developed—that is really just a high dive on behalf of the largest corporate interests—is being done in order to save the little guy. I have heard a lot of things on the floor of the Senate but never anything quite as entertaining as that. But it is so far from fact that it is almost hard to respond to.

The FCC, we are told, in another argument, did what the court said it had to do. The court said: The rules you have on broadcast ownership cannot be justified. You must change them.

That is not what the court said. I have what the court said in my hand. The court said: ''It is entirely possible that the Commission will be able to justify a decision to retain the cap.'' It just said that in the response the FCC provided, it did not provide the justification. It did not say: Go change the rule and give the largest corporate interests everything they want. It said: Justify it.

The FCC did not even appeal the court's ruling, and now has not tried to justify it. It just said: Well, apparently the court said we must cave in here and decide that there is a kind of ''Katie bar the door'' limit, and we will do what the big interests want.

Again, this is a regulatory agency that ought to be concerned about the public interest but, in my judgment, with respect to these rules, is not concerned much about the public interest.

My colleagues say: This is all about the market system and the Constitution. The first amendment says you have the right of free speech and the right to buy what you want to buy. One of my colleagues talked about being able to acquire property you want to acquire.

That is not an inalienable right in this country. We have things such as antitrust. We have laws dealing with antitrust. When somebody wants to steal from you by creating a cartel and jacking up the price, that is called stealing. It violates the law, and we put people in jail for it. So you do not have an absolute right to do whatever you want in the marketplace.

We have had some experience with this over time. The most recent experience, of course, is the Enron Corporation. And I suppose some of those Enron folks are going to get 2 years of hard tennis at some minimum-security institution some place.

Some of them are still waiting to see if indictments and charges will come. Hundreds of millions of dollars were bilked from people because of concentration in the marketplace monopoly, pricing, and so forth.

Look, the point is this: If, in this circumstance, what people see, read, and think is controlled by fewer and fewer interests, it is, in my judgment, detrimental to the democratic way of life and system of government that we have because the foundation of this system of government is the free flow of information.

Now, if somebody decided tomorrow, look, we are going to buy up all the hamburger stands in America, and instead of driving down the street and seeing a McDonald's or a Burger King or a Wendy's, one company decides we want all the hamburger stands in our name. We just want to call all those hamburger stands ''The World's Best Burger Stands,'' and we are going to buy them all. That would be awful, would it not? It would not affect our lives very much. We might have indigestion once in a while, and there would be no variety. Somebody would probably say it violates the antitrust laws for a company to own them all, but I wouldn't have an apoplectic seizure on the Senate floor because I don't stop at those stands much.

But what about instead of hamburger stands, we talk about information? Information is what makes a democracy work. What about the control of information in fewer and fewer and fewer hands? Is that something we should be concerned about? Yes, of course. That is something that is important. They say, well, but the market system should make this judgment. Look, that market system is wonderful; it is a great thing.

I used to teach economics briefly. I taught about the market system. I love the market system. It is a wonderful allocator of goods and services. But it is not perfect. That is why we have regulators and regulations. Under the market system—Judge Judy, that woman on television with an attitude, gets $25 million a year. Good for her. That is the market system. Judge Rehnquist, Chief Justice of the Supreme Court, gets $180,000 a year. That is the market system.

A shortstop for a Texas baseball team makes the same amount of money in a year as 1,000 elementary school teachers. Good for him. Is that a market system judgment that you think makes sense? I don't. But that is the market system.

The market system is not perfect. In circumstances where you are dealing with ideas, and the free flow of information in a democracy, we need to be concerned about making certain that we don't have fewer and fewer people, fewer companies or institutions, determining what we see, read, and hear in this, the greatest democracy on Earth. That is what this is about.

I mentioned earlier that there are some trashy things in the media. I talked about the television programs that my colleague, Senator Nunn, talked about on the floor of the Senate. I could have updated it and used the same things for this year or last year. I should hasten to say, however, there are also some wonderful things. I don't want to just tarnish an industry. I think there are wonderful things, gripping things, things with such incredible, utter beauty that you can hardly describe them, on television and on the radio. It is really quite remarkable.

Some of the things that we are able to see and experience are great. I don't want anybody to think that I am somebody who doesn't watch television, doesn't appreciate television, or radio. I just want there to be some vibrancy with respect to the use of the airwaves,

which belong to the American people and are licensed to companies. I want there to be vibrancy with respect to serving the local communities they serve. The reason we license a radio station in a community is to be responsive to local needs and interests in that community. It doesn't attach at all when properties are purchased by companies that only want to run homogenized music from a thousand miles away. They are selling advertising and making profits, but they don't do anything with respect to the localism requirements in those local communities. That bothers me.

I offered this amendment with my colleagues, Republicans and Democrats. This isn't a partisan or political issue in any way. Senator LOTT from Mississippi and I, and many others, including Senator KAY BAILEY HUTCHISON and others, have been very concerned about what is going on with respect to concentration in the media. This battle that has shaped up in the FCC to write a new rule is a battle between the public interest and the special interests.

Frankly, the special interests won everything. They won the whole pot. By that, I mean it was put in the middle of the table and they turned over a card and the FCC said: You win, big interests; you get it all.

We have a procedure called the Congressional Review Act by which we can, as the Senate, vote on whether we want to disapprove this rule. I want the Senate to decide that now in this time we will say to the FCC that we disapprove of that rule. That rule is not in the public's interest. That rule is not what we expect this regulatory agency to do on behalf of the American people.

I mentioned earlier, I come from a very small town. We didn't have a radio or television station. I come from a town of 350 people in a southwestern corner of a sparsely populated State. North Dakota is a wonderful place, but we have 640,000 people spread out in a landmass the size of 10 Massachusettes. The nearest television station to where I grew up was 125 miles away. The first television in our little town was at a place called the Regent Garage. The people in town—at night, especially, because that is when you can catch disparate signals being broadcast—would gather at the Regent Garage. With this one television set—the only one in our town, they would all peer into that set and see this grainy, snowy vision coming from Bismarck, ND, 125 miles away.

Occasionally, there would be some sort of a skip and they would pick up professional wrestling from West Virginia, or a strange program from way out East. The people in my hometown thought it was just incredible. The people began to get television sets. It wasn't just the Regent Garage; they got sets in their homes. So it has gone for some 60 years.

There wasn't any question years ago about localism. When stations were developed, one developed closer to my hometown. It is still the closest television station now. It was 60 miles away—KDIX television in Dickinson. As television stations developed, they were locally owned. The only way they got a television station in Dickinson is folks in the region put in money. They asked people to contribute $100. So my dad contributed $100. He was one of a lot of people who contributed to building a television station in Dickinson, ND. So we had localism, local ownership.

But that has changed dramatically. The question is, Do we want it to change more? Do we want most of our properties in broadcast radio and television to be owned from a thousand miles away? Do we want, in most of our big cities, the dominant newspaper to own the dominant television station? Do we want, in most big cities, to have one company own three television stations, eight radio stations, the dominant newspaper, and the cable system? Does anybody think that will benefit the consumers of this country? The answer ought to be no to those questions.

That is not what we want or expect from the FCC. It is not the direction that we anticipated when we created the 1996 Telecommunications Act.

Mr. President, there is a lot to say. I want to correct one other thing with regards to the discussion about the quality of programming. Somebody talked about the quality of programming and said network-owned stations, where you have one big owner, you get higher quality programming from those folks because they have the money and they are big shots and they have it all going. They are producing great things.

Well, here is something I think is interesting. Two organizations, NASA (Network Affiliated Stations Alliance) and the National Association of Broadcasters (NAB), were highly critical of a study that the FCC did on the quality of news programming between affiliates and network-owned stations. While the original study indicated that network-owned stations did better than affiliates because they won more awards, NASA and NAB demonstrated that the conclusion was untrue once the study was adjusted to take market size into account. After controlling for market size the data showed that independent affiliates outperformed network-owned stations on all measures of news quality. Affiliates win substantially more Dupont awards and substantially more Peabody awards. In addition, the Project for Excellence in Journalism study showed that affiliates are superior to network-owned stations in terms of news quality. I think that is important.

Finally, it is also important in the context of what kind of program is going to come into your community. Is it going to be programming that someone in your community can decide they do not want? We see the programming these days on some of the national shows. It is almost embarrassing to read the names of the programming, and yet if you tune in some evening, when your television set comes on you will see someone standing in front of a bowl of maggots and they are beginning to eat this bowl of maggots. I forget the name, ''Fear Factor''—it is one of those shows. I have only seen it momentarily.

When I saw somebody trying to eat a bowl of maggots, I thought: It is a good thing there is an off button on the television set. Maybe there ought to be an off button with the person who owns the local broadcasting company saying: I happen to think that is not the program I want to sell in Tallahassee, FL, or Chattanooga, TN. What I would like to do is put on an alternative program that I think is better than someone eating maggots.

You know what. They cannot do that. I described earlier letters from local stations who say: We can't do that. So the more stations you get under this umbrella, under single ownership, the less opportunity anybody anywhere at any time will have to say: I don't happen to like that program. You might have put it together in the recesses of a closet in Hollywood someplace where you thought it was wonderful, but back in our hometown, we think it is trashy. I don't want to play it. I want to play something that more reflects the values of our hometown.

They cannot change it. If you want more of that, if you want to move more in that direction, then you ought to vote to sustain the FCC. Like a cheerleader, shake some pom-poms, jump up in the air and say: We really like what you do; bigger is better. Katie bar the door, let them have anything. Let's have one big company give us a crooked smile every morning and say: We are for America, and we decide what you ought to see, what you ought to hear, and what you ought to read from Sunday to Saturday. Don't like it? Tough luck, we own it all.

If that is your philosophy, then you need to vote for this resolution of disapproval. But if you believe in enterprise, in local control, in owning up to the responsibility we have given those who own local stations, if you believe in that, then you ought to vote for this resolution of disapproval.

Mr. President, I yield the floor.

Mr. REID. Mr. President, the Federal Communications Commission regulations must serve the public interest by guaranteeing that a wide range of local voices can be heard and by promoting competition in the marketplace.

As a public trustee, the FCC has a duty and obligation to include the public in its decisionmaking process. That was not done in this case.

I support this resolution that has been engineered by Senators DORGAN and LOTT because the FCC did not hold a single public hearing to present its proposed rules for comment. Chairman Powell refused to hold a hearing even after Commissioners Copps and Adelstein personally requested such a hearing.

Even though the FCC's flawed process makes it impossible for me to support its action, I am deeply concerned about the situation in rural communities where many TV and radio stations are struggling.

The FCC cross-ownership provisions would enable a newspaper to more easily acquire a troubled and failing broadcast station in situations where it might not be cost efficient for another entity to purchase the station.

Newspapers have the business expertise, the financial stability, and the news-gathering resources to supplement local news and informational programming. If the FCC and Department of Justice have determined that a transfer of title would serve the public interest and would not present an unfair market advantage, newspapers should be permitted to use these strengths to serve their communities.

Although pre-June 2 newspaper-broadcast cross-ownership prohibitions provided for a waiver that would allow a newspaper to purchase a failing broadcast company, only four such waivers have been granted in the past 28 years.

Under the current cross-ownership provisions, the smallest broadcast markets would be protected from monopolies, and a limited cross-ownership rule will remain in effect in markets of between four and eight broadcast companies.

The FCC newspaper-broadcast cross-ownership rules will benefit communities in Nevada. For this reason, I support the cross-ownership part of the FCC's action.

I hope the final outcome of this will be to drop the number of stations a company can own but allow the cross-ownership. This will not only stimulate competition but will allow rural America to have some of the programming that simply will not be available unless a newspaper and/or a TV station join together. This is the way it is all over America, not just Nevada.

Mr. INOUYE. Mr. President, I rise today in support of S.J. Res. 17, the bipartisan resolution offered by Senators DORGAN, LOTT, and others that would repeal rule changes recently adopted by the Federal Communications Commission that, if allowed to go into effect, could dramatically alter the shape of the American media landscape.

The foundation of our democracy is based on the free flow of information guaranteed by the first amendment. As the Supreme Court explained more than 50 years ago, the first amendment ''rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the people.'' Unfortunately, the FCC's recent changes to its broadcast media ownership rules call into question that agency's commitment to this fundamental principle.

On June 2 of this year, the FCC voted to significantly relax rules that protect the American people from the ill-effects of concentrated media power. Already, in television and in print, large media conglomerates control an alarming amount of what Americans see, read, and hear. In fact, 75 percent of what Americans watch during prime time and 90 percent of the top 50 channels on cable are controlled by just 5 media companies.

Against this backdrop, the FCC's decision to allow greater concentration of ownership is clearly a step in the wrong direction. If allowed to go into effect, these rules will result in fewer creative outlets for independent television and content producers; higher ad rates for large and small businesses; fewer antagonistic sources of news and opinion; and less air time for community groups. In addition, there may be growing reluctance by local station operators to take on network executives in rejecting nationally produced programming that violates community standards.

Some Members contend that ''[t]here should be reasoned debate on each of the rules'' rather than disapproving the entire package. I fully agree that there should be reasoned debate on each of the rules. That is exactly what I, along with 14 other Senators, asked FCC Chairman Michael Powell to do—to given Americans the opportunity to review and comment on the specific rule changes before any final decision by the FCC. Our request was denied.

While recent action by the Third Circuit Court of Appeals in staying the implementation of these new rules is an encouraging sign that these changes may not survive judicial scrutiny, we in Congress should not rely on court action. Instead, we must act decisively to protect the public interest and to rescind these recently adopted rules.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the Senate will proceed to the consideration of H.R. 2754, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Mr. DOMENICI. Madam President, while we are now on this energy-water appropriations bill, let me first thank my friend, Senator HARRY REID from Nevada, as the ranking member of this subcommittee, for the hard work he and his staff put into this bill. We have a great bill. The Senate will find that out in the next 2 or 3 days. I am hopeful there will only be a few amendments. We kind of know what they are. We do not intend to discuss them until those proponents come to the floor and offer them, but we know about them and we think we can have a serious debate Monday. I understand maybe we can't vote on Monday. If we can, we will, and dispose of that serious nuclear amendment—antinuclear development amendment. If not, we would do it on Tuesday.

But I hope nobody intends to use this bill as a Christmas tree for authorizations. I can assure them they will meet great resistance from this Senator. This is not an authorization bill for electricity. That is somewhere else, another bill. It is in the conference. We have already voted. We will not consider that, and if we do, it will not matter because I will not bring back from conference any energy amendments that belong on the authorization bill, creating the policy for the energy future of our country.

With that, I move now to the business before the Senate.

Today the Senate is going to consider one of the 13 appropriations bills. It is a small one, but it is a very important one. We worked very hard this year to put together what we think is a fair bill under extremely difficult circumstances. This fiscal 2004 allocation to the subcommittee is $27 billion, an amount that is only $367 million over the President's request. This situation posed a daunting challenge to the subcommittee.

Let me put that in context. All of the Members here know the President's request dramatically cut water projects. The occupant of the Chair knows that—it cut water projects well below the current year level and left out many projects we had to do.

Furthermore, the President proposed to fund a portion of the Corps of Engineers budget, an amount of $145 million, in a way the Congressional Budget Office says is not permissible. If it is not permissible and we did it, it would be subject to a point of order—even though the Congressional Budget Office gives the President credit for the mechanism in this scoring request.

Thus, we have included a provision that will make an additional $145 million available to the Corps to spend on the enactment of the provision in authorizing legislation that is required under the rules of the Congressional Budget Office. We think that is the way to do it.

But for now, the long and the short of all of this is that the President's request was $530 million below the current year level for water projects, and we only received an increase from the appropriations process of $367 million.

There is nothing that Senators and House Members are more aware of than water projects in their home States. I do not know if they are as important as the Members think. But I only can tell you that if you are chairman of this committee, you cannot get by without Senators stuffing your pockets with the requests and sending them to your office, saying: Don't forget; don't forget. We have a pile of them. I didn't bring them to the floor. There are more than a few hundred.

The bill spreads the increased allocation generally as follows: