news media by giving members of the public who feel damaged by a news story an opportunity to hold the news organization accountable. What is wrong with allowing the public, which has such a poor view of the media, to take part in such an endeavor? This type of public dialogue can lead to a better understanding of the media industry and its role in society by that society, as well as a stronger foundation for more accurate, more responsible dissemination of news.

Solid journalism is also a way to improve the public's view of the media. It restores that sense of credibility that is threatened when we read about reporters who have published stories without any factual background. It would help to reaffirm independent voices, even if those voices run counter to the opinions of the corporate management.

On television and in print, large media conglomerates already control the vast majority of what Americans see, read, and hear. A grand total of five—five—media companies today control 75 percent of prime time programming. Outlets such as cable and the Internet, which could have served to check corporate media conglomeration power, have instead followed the old adage, ''if you can't beat 'em, join 'em.'' Thus, today these same 5 companies control 90 percent of the top 50 channels on cable. Similarly on the Internet, existing newspapers and TV networks dominate the most popular sites for news and information. Technology may have increased the number of media outlets, but it has not stopped big media from further extending its reach.

Former Washington Post assistant managing editor Ben Bagdikian has sketched out the growing concentration of media ownership. In 1983, when his book, ''The Media Monopoly,'' was first published, Mr. Bagdikian reported that ''50 corporations dominated most of every mass medium.'' But, with each new edition of the book, that number shrinks and shrinks and shrinks: 29 media corporations in 1987, 23 in 1990, 14 in 1992, and 10 in 1997. The sixth edition, published in 2000, documented that just six—six—corporations supply most of America's media content. Bagdikian wrote:

> It is the overwhelming collective power of these firms, with their corporate interlocks and unified cultural and political values, that raises troubling questions about the individual's role in the American democracy.

The June 2 vote by the Federal Communications Commission threatens to expand the influence of these few corporations even further, stretching their hands around a larger number of local television and radio stations, scarfing up newspapers and Internet news outlets.

This is an opinion shared by consumer advocates, media watchdog groups, and various organizations representing the spectrum of political and societal views in the United States, from the National Rifle Association to the National Organization for Women, from the Catholic Conference of Bishops to the Leadership Conference on Civil Rights. The Parents Television Council, Common Cause, the National Association of Black-Owned Broadcasters, the National Association of Hispanic Journalists, the Writers Guild, and the Association of Christian Schools, all of these groups questioned the wisdom of even greater media consolidation.

Tens of thousands of Americans have expressed their opposition to the FCC rule. In fact, three-quarters of a million people contacted the FCC about this new consolidation, and, according to FCC Commissioner Jonathan Adelstein, 99.9 percent of them opposed further media consolidation.

In testimony before the Senate Committee on Commerce, Science, and Transportation, Commissioner Adelstein was blunt.

> [T]he FCC approved the most sweeping and destructive rollback of consumer protection rules in the history of American broadcasting. I'm afraid democracy was not well served by Monday's decision. Allowing fewer media outlets to control what Americans see, hear and read can only give Americans less information to use in making up their own minds about the key issues they face.
>
> The decision will diminish the diversity of voices heard over the public airwaves, which can only diminish the civil discourse and the quality of our society's intellectual, cultural and political life. It will diminish the coverage of local voices and local issues as media giants gobble up local outlets and nationalize the stories they broadcast.

In the end, our new rules will simply make it easier for existing media giants to acquire more outlets and fortify their already massive market power. As media conglomerates go on buying sprees, they will accumulate enormous debt that will force them to chase the bottom dollar ahead of all else. This is likely to result in more sensationalism, more crassness, more violence, and even less serious coverage of the news and local events.

Recently, there have been obstacles thrown in the way of the FCC's Mack truck of a rule. The Senate Appropriations Committee has blocked the implementation of the new policy. The unanimous committee approval of the fiscal year 2004 Commerce, Justice, State, and Judiciary Appropriations bill was a strong endorsement of media diversity. The committee's action follows the House of Representatives vote on July 23, 400–21, to pass the fiscal year 2004 Commerce-Justice-State Appropriations bill. As part of that legislation, the House also would prohibit the Federal Communications Commission from implementing this policy allowing for media consolidation.

But the Congress is not the only branch of Government involved in this issue. The United States Court of Appeals for the Third Circuit issued a surprise order on September 3, blocking the Federal Communications Commission from imposing its new rules just one day before those rules were slated to take effect.

> Given the magnitude of this matter and the public's interest in reaching the proper resolution, a stay is warranted pending thorough and efficient judicial review,

The court concluded in the case.

Indeed, it is my hope that, with such growing opposition, the administration and the Federal Communications Commission will abandon such an ill-advised policy.

I have often said that as long as there is a forum in which questions can be asked by men and women who do not stand in awe of a chief executive and one can speak as long as one's feet will allow one to stand, the liberties of the American people will be secure. That forum is this Senate. But the same can be said of the news media—the newspapers, radio stations, television stations, and other outlets that provide information that is important to the lives of all Americans. That freedom, that unbiased coverage, is a key, a foundation stone of this Republic. For, without it, the American people can be led to disaster without so much as a whisper. Their freedoms can be trampled; their rights can be subverted.

In his speech in Chicago in 1958, Mr. Murrow offered a challenge to his colleagues.

> Just once in a while, let us exalt the importance of ideas. Let us dream to the extent of saying that, on a given Sunday night, the time . . . occupied by Ed Sullivan is given over to a . . . survey of the state of American education [or] the time normally used by Steve Allen is devoted to a thoroughgoing study of American policy in the Middle East.

While Ed Sullivan and Steve Allen are not with us anymore, the need for responsibility that Mr. Murrow called for among his colleagues in the news industry clearly still remains with us today.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> *Resolved*, That the House insist upon its amendment to the bill (S. 3) entitled ''An Act to prohibit the procedure commonly known as partial-birth abortion'', and ask a

conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House.

From the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. Sensenbrenner, Mr. Hyde, and Mr. Nadler.

Mr. MCCONNELL. Mr. President, it is my understanding that 2 hours of debate on this proposal are to commence. I ask unanimous consent that those 2 hours begin to run upon the arrival and speaking of the Senator from California, Mrs. BOXER, who I understand is on the way to the floor at this time.

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

Mr. MCCONNELL. In the meantime, 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.

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

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

Mrs. BOXER. Mr. President, I ask what the pending business is.

The PRESIDING OFFICER. The pending business is the message from the House on S. 3.

Mrs. BOXER. Mr. President, as I understand it, I will have up to 60 minutes to discuss this tonight; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I ask my friend from South Carolina what issue he is here to discuss tonight and what his time parameters are.

Mr. HOLLINGS. I would like to discuss an issue to be voted on in the morning, a resolution of disapproval of the FCC, increasing 35 to 45 percent ownership, and, more than that, the cross-ownership at the local level.

Also, I would like to start paying for the war. I take it the Senator wants to pay for the war.

We have the poor GI down in Baghdad. We hope each day he does not get killed, and the reason is we want him to hurry back so we can give him the bill. We ain't going to pay for it, but we need a tax cut so we can get reelected next year. That is what is going on in this town.

Every time I go home, I am again embarrassed. I want to talk to that point.

Mrs. BOXER. If I could ask my friend, is the Senator able to wait 30 minutes?

Mr. HOLLINGS. Yes, ma'am.

THE RIGHT TO CHOOSE

Mrs. BOXER. Senator HOLLINGS raises several issues that are so important to the Nation. This issue of media ownership getting out of control and the need to reverse what the FCC did and also the issue of the war, how badly it is going, how much it is costing, the danger our troops are in, the fact it is not internationalized and there is virtually no burden sharing going on—these are all issues that I hear about at home when I go to the grocery store or take a walk. People are anxious and concerned. These are the issues of the day.

Therefore, it is rather stunning to me that given all this and the fact that the deficit has gone off the charts—we have seen the picture of what has happened to the deficit since Bill Clinton left office; it is a straight line up. I never saw anything like it in my life. We are getting to the point where we are bankrupting this country and laying all that bankruptcy on the backs of our kids, as Senator HOLLINGS has said.

With all of these issues pending, why am I here tonight speaking about an issue that was resolved in 1973, the right of a woman to choose—the fact that this Senate went on record supporting that right quite recently as part of S. 3, that very simple language that simply said Roe v. Wade has saved lives, stating it is the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right and such decisions should not be overturned.

That was language in S. 3 which also for the first time banned a medically recognized procedure. Senator HARKIN and I and a majority of the Senate added this language.

What happens with all of the problems we are facing and with our brave men and women in such jeopardy abroad, our taxpayers just getting squeezed, our education bill underfunded, the country going broke, the environment getting worse because every other day, and usually on Fridays, we see more rollbacks of environmental laws, the media getting bigger. We have to overturn that.

With all of those issues, one would think the House of Representatives and the Republican leadership would have said: We want to get this bill to the President's desk. We want to ban this procedure. So let's just take this language. The decision of the Supreme Court in Roe was appropriate and secures an important right, and such decisions should not be overturned.

Friends, that was not to be the case. Instead of sending this bill off to the President for his signature, which my colleagues have been wanting to do for a very long time, they say we need to strip out this very simple Roe language. In fact, that is what the House did.

So before this bill can go to conference—and it is a technical matter, but in order for a bill to become law, when the bills are different, you have to have a conference to resolve the differences. When the bills are the same, the bill can go straight over to the President's desk.

No, the House leaders, Republican leaders, I believe quite radically on this point of a woman's right to choose that was resolved in 1973, they strip this out. Now in order to go to conference, we will have a vote to disagree with what the House did. I hope we will disagree with what they did and take another stand for Roe. That is why we are here tonight.

The reason the House will not go along with this, and many in our own Senate will not, the real agenda in all of these bills that attack a woman's right to choose—and there have been many, and I will go through them, including bills that hurt family planning—the real agenda is to overturn Roe. I believe that is what we are talking about. It may show up in a different form, such as banning one medical procedure, which is a horrible precedent, as we are going to do.

It may show up by saying to a woman in the military: You will have to fly back to the United States on an ''as available'' basis and spend your own money—nothing to do with your own military pay—to get an abortion. We have said to Federal employees: You cannot use the health insurance that you pay a good part of to get a legal abortion, legal, not illegal, a legal abortion. Abortion is legal.

My friends, some of them here do not like that. So there has been this huge attempt to narrow this right. So every time we get a chance, when we see these bills come forward that would narrow this right, that would potentially harm women, we offer the Harkin-Boxer amendment in favor of Roe. Even though we did not get as many votes as we would like, we got a majority, and that is what we are continuing to discuss.

Now, what does Roe guarantee to women?

In the decision of the Supreme Court, the Court found that a woman's reproductive decisions are a privacy right guaranteed by the Constitution. But I have to say that even though this right was granted to women, it was not an unbalanced decision. It was a very moderate decision. That is why, in my opinion, the majority of Americans support it.

In the early stages of a pregnancy, the Government cannot intervene with a woman's right to choose. That is it, plain and simple. Guess what. We are not going to be big brother or sister, as the case may be. We are going to allow a woman, her doctor, and her God to make that decision.

But in the later stages of pregnancy, Roe found that the Government can intervene, that it can regulate, that it can restrict abortion. We all support that. All of us support that. But there is one caveat—always, always, always. Any law that a State may pass to restrict abortion rights has to have an exception to protect the life of the woman or to protect her health.

This is important because, I have to tell you, before Roe, before 1973—and I remember those years—life for women was very different. Before Roe, up to