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## House of Representatives

The House met at 8:30 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, as You have called us to be good stewards of our lives and devoted to the welfare of the people, may we be faithful to that calling and steadfast in our responsibilities.

On this day we remember the diligent work and service of our colleague and friend, WALTER JONES. We recall with appreciation his long devotion to the people that he represented and to this institution, and for his friendship and his good will toward those about him.

May Your blessing, O God, be with him and his family and may Your benediction be ever with us. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina [Mr. DERRICK] please come forward and lead the House in the Pledge of Allegiance?

Mr. DERRICK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. After consultation with the minority, the Chair announces it will receive no 1-minute requests.

5.12  
[WAIVING ALL POINTS OF ORDER AGAINST S. 12, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992 AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT]

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 571 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 571

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.

The SPEAKER. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

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

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

Mr. Speaker, House Resolution 571 waives all points of order against the conference report on S. 12, the Cable Television Consumer Protection and Competition Act of 1992 and against its consideration. The resolution also provides that the conference report will be considered as read.

Mr. Speaker, the Cable Television Consumer Protection and Competition Act of 1992 protects consumers by preventing unreasonable rates, by improving the cable industry's customer-serv-

ice practices, and by sparking the development of a competitive marketplace.

Briefly, the conference agreement requires cable operators in areas where there is no effective competition to provide a basic level of service at rates determined by the Federal Communications Commission to be reasonable. The FCC would also have the authority to prosecute cable providers that charge unreasonable rates.

The legislation promotes competition by prohibiting a local franchising authority from refusing to grant additional cable franchises in the local community. In addition, it prohibits cable programmers who are affiliated with cable operators from granting exclusive contracts to cable operators if the FCC determines such contracts not be in the public interest.

The legislation also requires the FCC to set certain minimum customer-service standards. Local authorities, however, would be allowed to require stricter customer-service standards if they were part of a franchise agreement.

Overall, the conference agreement on S. 12 is fair and balanced legislation that will provide increased consumer protection and promote increased competition in cable television and related markets.

Mr. Speaker, House Resolution 571 will allow the House to consider this conference agreement. I urge my colleagues to support the rule and the conference report.

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

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

Mr. Speaker, I thank the gentleman from South Carolina for yielding me half of his time.

Mr. Speaker, I see five Members on the floor here. We are about to sock it to the users of cable television across this country, and I would advise Members if they are anywhere around their

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

offices to turn on their TV sets and find out what is in this conference report. Nobody knows what is in this legislation except perhaps the five Members here on the floor.

Mr. Speaker, I rise today in strong opposition to this rule, the rule for the highly controversial Cable Television Consumer Protection and Competition Act. This rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, I am well aware of the strict time constraints that we are all under as the target adjournment date for the 102d Congress draws near. I think if we get out of here by October 2, there are only 8 legislative days left.

I realize that in certain circumstances it may be necessary to waive some points of order against conference reports in order to expedite matters, and I am willing to go along with that. But I have to warn my colleagues wherever they are right now at 8:30 in the morning that this conference report on the cable bill is loaded with scope violations and germaneness problems. To bend the House rules, and to rush this terribly important legislation through, is going to have dire consequences.

At the meeting of the Committee on Rules last Tuesday we had a very distinguished and very engaging panel testify on the pros and cons about this conference report. I must admit I was very impressed with what the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL], and the chairman of the Subcommittee on Telecommunications and Finance, the gentleman from Massachusetts [Mr. MARKEY], had to say in support of the rule and the conference report. They have both done an incredible amount of work on this legislation and they deserve a lot of credit. As matter of fact, they did such a good job that I voted for this bill when it was passed by the House a few weeks ago.

I was also impressed by the arguments against the conference report as conveyed by the ranking member of the Committee on Energy and Commerce, my good friend, the gentleman from New York [Mr. LENT], who is retiring, and the second ranking member of the committee, the gentleman from California [Mr. MOORHEAD]. But I was especially moved by the testimony of the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], and the chairman of the Subcommittee on Intellectual Property and Judicial Administration, the gentleman from New Jersey [Mr. HUGHES], who I see has come to the floor.

The Committee on the Judiciary was unjustly bypassed on the highly controversial issue of retransmission consent. To add insult to injury, under this rule no debate time has been set aside for the Committee on the Judiciary, no debate time on this very, very important issue. Their testimony reaf-

firms my opposition to what I believe is a concerted effort by a select few around here to skirt and evade the rules of this House.

Last July, the House passed a good cable bill, and, as I just said a minute ago, I supported that cable bill, which did not contain this contentious retransmission consent provision. I supported the bill because it would regulate the cable industry and control rates. That bill was passed with over 300 votes for it and only a handful against.

The gentleman from Michigan [Mr. DINGELL] was concerned about infringing on the Judiciary Committee's jurisdiction, and he personally went to great lengths to leave the retransmission consent provision out of his bill when it was passed by the House in July.

□ 0640

The Senate version, however, did include this retransmission consent provision. And now we learn that the conference report also includes this extremely controversial language.

Mr. Speaker, this is a dangerous precedent and one that I absolutely must oppose in trying to defend the committee structure that we have operated under for 200 years. The House needs to study the implications of this retransmission consent provision which, by the broadcasters' own admission, listen to this, will bring them revenues of over \$1 to \$3 billion. And I can tell my colleagues, if the broadcasters admit that this provision is going to bring in revenues of up to \$3 billion, we can bet it is going to be double that.

I ask my colleagues, who is going to pay for that cost? Who is going to pay for that, whether it is \$1 billion or \$3 billion or \$6 billion? I am betting my colleagues right now it will be \$6 billion. Who is going to pay for it? Is the cable industry going to pay for it? No. They are not going to pay for it. The costs will be passed on to the American family that uses cable service. And I hope my colleagues are as aggravated about what has been happening as I am.

I have in my district an expanse of 10,000 square miles with 187 little villages and towns. Many of them are nestled back in the mountains. Many of them cannot get broadcasts from stations other than on cable.

I believe we need to have some regulation over the cable industry because the cable companies are a licensed monopoly. So they have to be regulated, and that is what we did in July. We passed a bill to reregulate them.

But by the same token, the broadcasters are a licensed monopoly as well who are already paid by their advertising clients, whether it is Anheuser-Busch or Ivory Soap or whomever. They have tremendous revenues coming in, revenues that pay the huge salaries of Dan Rather and Tom Brokaw in millions of dollars. They already have their revenue coming in from the mo-

nopolistic franchise issued to them by the FCC, which gives them the license to send out that signal, a legal monopoly.

I cannot go into competition and put up a television station right next to theirs, because they have the franchise. They have the monopoly. To allow them to charge a mandatory fee to the cable companies who will then pass it on to the consumers, my colleagues, is dead wrong. But we are not even going to have a chance to debate and vote on this particular issue.

This is a frightening prospect to every Member of this body, to all five of us on the floor right now. It is dangerous to set a precedent which would allow this House to pass this kind of important legislation without the remotest semblance of proper legislative procedure.

I just do not know what is going on around here.

The gentleman from Texas, Chairman BROOKS, is a member of the Democrat Party, and a very respected member. He is a former marine. That is why I like him.

But the gentleman from Texas, Chairman BROOKS, came to the Committee on Rules, requesting that at least 1 hour of debate be given to his committee, the Committee on the Judiciary, so that it could alert Members about the problems retransmission consent will cause. Why would the gentleman from Texas, JACK BROOKS, come up to the Rules Committee and almost beg us for time, an additional hour to present his side of this? Because a debate time extension is consistent with the rule we adopted on the family and medical leave conference report. In that rule, we allowed 90 minutes, equally divided between three committees of jurisdiction. Remember that? That is what we did.

In this instance, while the Committee on the Judiciary was not a party to the conference, the retransmission consent provision included in the conference report is within the jurisdiction of the Committee on the Judiciary. And had the provision either been reported from the House Committee on Energy and Commerce or at least adopted on the floor of the House, the Committee on the Judiciary would have clearly been included as a party to the conference.

To not grant the Committee on the Judiciary the courtesy of 1 extra hour of debate, is just an outrage. It really is. We ought to be ashamed of ourselves.

It means that Members of this House are going to be voting on this legislation without the slightest idea of what it may do. An increase in monthly cable rates by as much as 20 to 30 percent is possible. That is the \$6 billion I was talking about. Somebody is going to pay for that.

I have a memo distributed by the Parliamentarian's Office listing the scope violations in this bill. There are two egregious violations on pages 80

and 81. I think we all ought to read this, if we have time. Of course, there will not be any time because we do not have adequate debate time. I think every Member should think carefully, Mr. Speaker, before voting in favor of this rule that protects major violations such as those I have just mentioned. And I would just hope that if we defeat the rule, we will come back here with a rule that at least is going to allow the customary 1 hour of debate given to the Committee on Energy and Commerce and another 1 hour of debate given to the gentleman from Texas, JACK BROOKS.

Let the American people know what we are voting on. But even more important than that, let us know what we are voting on ourselves. I do not believe there are 10 Members out of 435 who know what is in this conference report.

I spent most of the night reading everything I could, and I am still confused myself. Imagine what the rest of the Members are.

Mr. Speaker, I now include for the RECORD the memo by the Parliamentarian's Office to which I referred.

#### S. 12—CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT

##### Scope violations:

Page 80 of the joint statement of managers: Equal employment opportunities provisions—House language applies only to cable companies. Conference agreement applies new standards to TV licenses.

Page 81 of the joint statement of managers: Describes FCC Media Bureau (new matter).

##### Questions raised on the following:

Page 16 of the joint statement of managers: Definitions. Conference agreement states that some may be deleted in their entirety.

Page 28 of the joint statement of managers: Definition of cable programming is rewritten to permit installment or rental of equipment (may have been implied in the bill; however, this is an explicit delineation).

Page 48, first full paragraph: Have they written in one new rule on retransmission?

Page 58: In the clarifying language, it appears to add a new safeguard.

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

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 8 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the Committee on Rules, the gentleman from South Carolina [Mr. DERRICK] and the gentleman from Massachusetts [Mr. MOAKLEY] for giving us the opportunity to debate this important issue out here on the floor in such a timely fashion.

This is without question one of the most important issues that will be before the Congress this year. It will be the most important consumer protection issue that is debated on the floor of the Congress in 1992.

As a result, the Members should pay very careful attention to the debate

and to the arguments which are made from both sides of the aisle.

The Consumer Federation of America, the AFL-CIO, the American Association of Retired Persons want a "yes" vote on the cable reregulation bill. They know that there has been an annual overcharge of \$6 billion on the part of the cable industry, which has been shouldered by consumers across this country.

A vote for the cable bill today has the effect of giving a \$6 billion tax cut to Americans across this country. And make no mistakes about it, when the Consumer Federation of America, the AFL-CIO, and every elderly group in America are on one side and the cable industry is on the other side, there is no question as to whether or not rates are going to be lowered, whether or not the consumer is going to be given a break, if this legislation passes.

So just look at who is wearing which uniform in the course of this debate.

We accomplish a number of very important things in this legislation. We first of all create a formula which puts tight controls over the basic rates of cable in this country. We also ensure that local communities will be able to do something about the renegade cable operators in this country that take the upper tiers that consumers across this country are so familiar with and double, triple, and quadruple the rates year after year for those upper tiers.

We give now, finally, since 1984, some opportunity for local communities to appeal those rate increases. The 1984 Deregulation Act stripped local cities and towns of that right. We reinvest authority with them in order to protect consumers.

As well, we also impose for the first time since 1984 tough service standards on the cable industry. People across this country are just fed up with calling their local cable company and having that phone just ring and ring and ring. And once it is answered, waiting days and days for the cable repairman to do something about their system, about their own home set.

□ 0650

This bill reinvests the authority and will make it possible for consumers to have some accountability from their local cable system.

Second, what we do as well is to ensure that there will be some competition in the cable industry. Since 1984, when the Act was passed, we have been operating under a presumption that at some point in time cable companies would begin to compete against another cable company. So if we had a cable company in our town, our city, and many, many people were unhappy with it, our thought was another cable company will move into town and if we are unhappy with cable company A, cable company B would be there.

However, in 99 percent of the communities in America that have cable, there is only one cable company. Cable companies do not compete against

other cable companies. If we do not buy from one cable company, that is it. We will not have cable in our local community. That is not competition.

What we do in this legislation is, we build in competition. We build in the guarantee that over the next half a decade, no longer, that there will be a massive introduction of competition at the local level so that if we are unhappy with the local cable company, we would be able to find another way in which to gain access to cable.

Third, what we do is, we ensure that local broadcasters, the same as HBO, the same as ESPN, the same as CNN, the same as any other cable programming, will be compensated from the cable industry for the use of their signal.

Remember this, every time we turn on the cable TV set right now we are paying, we are paying for the local broadcasting channels, except the money goes to the cable industry. It does not go to the local broadcasters.

What we do now is, we make sure that within that set of revenues that already exists, that revenues will now flow to the local broadcaster. The free over-the-air television that 40 percent of all Americans—and remember, 40 percent of all Americans do not even subscribe to cable, and we are seeing a constant diminution in the overall quality of that programming.

We will not continue to see the undermining of that quality at the same rate that we have seen over the last decade when this legislation passes, because we will have shored up their ability to have local news, to have locally originated programming, to have public affairs programming, to have children's programming at the local level that will go to the lower socioeconomic part of our economic spectrum that does not subscribe to cable.

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

Mr. MARKEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, I have great respect for him and for the gentleman from Michigan [Mr. DINGELL], and for the hard work they did on the bill. I agree with just about everything the gentleman said, and that is why I supported the bill that he drafted, which was passed by this House overwhelmingly a few weeks ago.

However, if what the gentleman says is true, if this conference report, with the retransmission provision in it, will reduce rates, what would happen if we took out retransmission? Would that not reduce rates even further?

Mr. MARKEY. Mr. Speaker, I would say to the gentleman, that is not necessarily so.

Mr. SOLOMON. If the gentleman would continue to yield, if there is a new charge put in, somebody has to pay for that.

If we take out retransmission, which creates a cost of \$3 billion, that should mean a saving. That is why the gen-

tleman does not support retransmission; he would rather see it out of this bill because he did not put it in the first place; is that right?

Mr. MARKEY. Reclaiming my time, Mr. Speaker, I would say again, because there is a lot of misinformation on this subject, what we do is we ensure that no longer will the consumers of America have to rent their clicker every single month for \$4 or \$5. If we multiply that by 12 months, multiply it by 10 years, we are paying \$600 to rent this clicker over a decade.

The same thing is true of the converter box. We ensure that we are always protected against rate gouging on the converter box. We go down this whole list, and what we do is, we dramatically reduce the cost, up to \$8 billion of charges to the consumer.

What we do on the other side is, we say that the broadcasters should be compensated the same way the sci-fi channel or the comedy channel or any of the other new channels that we are trying to introduce, Nashville, all the way down the line, are reimbursed.

If they have to pay Nashville a little bit less, to pay the sci-fi channel a little bit less, to pay some of these other channels a little less in order to get revenues over to Channel 4, 5, 7, and 9 so that the local children's programming, the local news and public affairs programming that the rest of us watch on free television is there, fine.

It is meant to be within the same existing pool of money; no additional moneys that are going to the cable industry or to the broadcasters; it is the same pool of money.

There is a complete misunderstanding about this. In the course of the morning I think it is going to be quite clear that the consumers are benefitted, or else the Consumer Federation of America would not want a "yes" vote on this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. In yielding to the gentleman from Texas, let me just read a paragraph that was in the New York Times yesterday. It quotes my good friend, the gentleman from Massachusetts [Mr. MARKEY]. The article says:

The reality is probably less dramatic than either side portrays it. Representative Edward J. Markey (Democrat) of Massachusetts, the bill's sponsor in the House, said today that, "Rates would merely go up less than they would if we had no legislation altogether."

If we took out retransmission, that means they should go down. That is what we are arguing about today.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. BARTON], a member of the committee.

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

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, we are here today to debate an issue, quite frankly, that should have died in subcommittee or full committee earlier this year. The rhetoric is that we are here to try to protect the cable consumer and lower their rates. That is the rhetoric, but that is not the reality. I am on the Subcommittee of Telecommunications and Finance, and I am on the full Committee on Energy and Commerce. I have been involved with this issue for over a year.

Let me tell the Members that this bill is not about lowering cable rates, and it is not even about freezing cable rates. What the issue is really about is an economic tug-of-war between our cable owners and our over-the-air broadcasters on something called retransmission consent "Must carry."

Retransmission consent is the issue that says a television broadcaster has created a product—that is, local news—and they should have the right to negotiate with the cable system to retransmit that signal and should receive some remuneration, either financial remuneration or a special channel position or something of this kind.

"Must carry" is an idea that says if one owns a television station, the cable system must carry the signal. The Federal courts have twice ruled that "Must carry" is unconstitutional, so "Must carry" is going to be kicked out at some point, anyway.

Retransmission consent is an idea that really does need to be debated as a stand-alone issue, and I think, quite frankly, that the broadcasters have quite a bit of merit on their side. However, we do not need to reregulate the entire cable industry again to get the retransmission consent.

The facts are that since we deregulated cable in the early 1980's, the average cost per cable channel has remained constant, at about 50 cents a channel. However, the average cable system, instead of having 10 or 12 or 13 cable channels, now has 30 or 40 or 50 or 60. There has been an explosion in cable programming: TNT, CNN, the Discovery Channel, the Weather Channel, to name just a few examples. However, the average cost per channel has not gone up. It is still about 50 cents a channel.

The average cable bill today, if we do not take premium channels, such as HBO or Cinemax, is a little under \$20 a month.

Mr. Speaker, the bill before us today, it is estimated, would raise rates somewhere from \$2 a month to as much as \$6 a month to the average cable subscriber. There is a very good article about this in yesterday's Washington Times, and I would encourage the Members of this body to read that article.

Another point: If we vote for this bill, in my opinion we are going to be in the same situation that we were 2 or 3 years ago when we had the great hue and cry to protect our senior citizens with catastrophic health care insur-

ance. The Members of the body that were in the Chamber at that time remember how that was pitched as a pro-consumer senior citizens issue. We just had to do it. So a majority of the House voted for it. Within a year the senior citizens were raising holy Cain. We came back and we repealed it.

These are the letters and cablegrams that I received in my office the last day and a half from people saying, "Do not vote to reregulate cable. Do not vote to raise my cable rates." This is just 1½ days' sample.

I would encourage every Member of this body, before we vote on this bill today, to read their mail, to study the issue, and to vote "no."

□ 0900

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Speaker, I rise in support of the rule and in support of the bill.

Mr. Speaker, I would like to engage in a brief colloquy with the manager of this bill, the gentleman from Massachusetts, Mr. MARKEY.

It is my understanding that under this bill, local television stations may elect to have the right to grant retransmission consent of their signal to local cable operators or the right to signal carriage "Must carry," but not both. Is this true?

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

Mr. VOLKMER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, the gentleman from Missouri has an absolutely correct understanding of the legislation's intent.

Mr. SOLOMON. Mr. Speaker, I yield whatever time he might consume to the gentleman from New York [Mr. LENT], who is the senior ranking member of the Committee on Energy and Commerce.

Mr. LENT. Mr. Speaker, let me just say that I want to second the remarks of the previous speaker, the gentleman from Texas, when he said that this is going to drive up the costs of cable rates.

I am just going to take a minute to quote from a number of America's great newspapers on what they have to say about this particular conference report.

The Wall Street Journal today says:

The cost of two tickets to a Broadway show is more than \$100. The \$5 movie ticket is a thing of the past in most cities. But is anyone calling for Federal price controls on Broadway or the movies? There just isn't anyone.

And we do not regulate the price of baseball tickets, and here we are going to be regulating now the price of what people pay for MTV, for ESPN, for Showtime and for HBO.

The Chicago Tribune looks at this legislation and says:

Congress is wielding such a heavy hand that instead of reducing rates, it could end up costing cable subscribers.

The Cincinnati Post:

Public discontent with cable prices hardly justifies the quasi-nationalization of a whole industry.

The St. Paul Pioneer Press:

... this bill still includes provisions that are anything but consumer protection. They are, in fact, requirements that consumers subsidize cable television's competitors.

The Atlanta Journal:

The cable reregulation bill has become a consumer's nightmare.

The Boston Globe:

With cable companies likely to pass through any charges, consumers would be the ultimate victims of the Senate plan.

The New York Times:

The threat is that costly regulations will force local authorities to grant large rate hikes, or force cable companies to cut service and put off investment in new service.

Colleagues in the House, we have had many experiences with regulation and deregulation and reregulation. We all remember the ICC was one of the biggest organizations in the Government. We finally deregulated the railroad industry, and we shrank down the cost of maintaining the Interstate Commerce Commission, and the railroad industry took off and is a very successful industry today.

We had rate regulations on natural gas. We finally got rid of them, and the price of natural gas has come down.

Here we are doing exactly the kind of thing that Boris Yeltsin is eliminating in the Soviet Union: intense over-regulation of an industry. And we are going in exactly the opposite direction, and we are reregulating an industry that has been doing very well. And I think it is the wrong way to go.

The FCC tells us they do not want this responsibility. We are going to have to triple the budget of the FCC in order to give them the manpower in order to regulate every single cable station in America.

I think it is the wrong way to go. I know it is election time. I know we are all out there looking and hungry for votes. But I think the voters are in an ugly mood. There is no question about it. But this is not the way to try to get votes, because I think the voters are smart enough to recognize that reregulating this entire industry is going to raise, not lower, their cable rates.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

(Mr. MAZZOLI asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend from South Carolina for yielding me the time. I rise in support of the rule and I rise in support of the bill. I think the conferees, with

one exception, did an excellent job. That exception is the retransmission consent, which I will speak about momentarily. But otherwise, the bill is a good, solid, proconsumer bill and ought to pass.

Among the reasons I support the bill, and announced my support of the bill earlier in debate here on the floor a few months ago, and also back home in Louisville and Jefferson County before the cable commission, is because this bill reintroduces local government into the ratemaking business. Since 1984, when the cable industry was deregulated, local government has been sort of, to use that term, a potted palm alongside of the table. It does not really do anything, and it cannot.

This bill gives them power to oversee the ratemaking function and to protect cable consumers.

This bill spurs competition. There is no more exclusive franchise. No longer can a local authority grant a cable operator exclusive coverage of the area.

Under the Tausin amendment there is access to cable-originated programming, on an equal basis, given to cable's competitors. This does also open up the possibility down the line of allowing telephone companies into the cable business so that there would be further competition which generally yields better service and lower prices to the consumer.

Consumer service and consumer protection for cable subscriber are provided for in this bill. The FCC establishes these standards. Local government can make these standards tougher, but at least our people will from now on have their phone calls answered and have their billing procedures explained to them by cable companies.

The negative in the bill is retransmission consent. It could possibly be that this will lead to additional costs to the consumers because the local broadcasters could, in fact, demand payment for the cable company to carry that signal. I do not think this is a wise move. I think we will have to revisit this in the years ahead.

But on the whole, this is an excellent piece of work. I support it, and I hope this House will.

The conference report before us today is very similar to H.R. 4850, the cable reregulation bill which passed the House—with my full support—on July 23 except that it includes the Senate's retransmission consent provision language about which I have serious reservations.

The conference report allows broadcast stations to choose either that their signals be carried by the cable system under the must-carry provision, or to negotiate with the cable system over the terms and conditions under which the station's signal will be retransmitted.

In the end, retransmission negotiations between broadcast stations and cable franchisees may mean the cable subscriber will pay higher fees for the signals. This goes against the spirit of the rest of the bill, which is to promote competition among and between cable, broadcasters and noncable carriers so that sub-

scriber and viewer prices will be reduced even as quality and range of programming improves. Accordingly, Congress may have to revisit the retransmission consent provision at a later date.

But, for now, Mr. Speaker, this conference report is worthy of passage by this Congress and worthy of the President's signature into law. I hope the President does not veto this bill. But, if he does, we need to pass this reasonable and responsible consumer legislation into law over his veto.

Lastly, I wish to include in the RECORD a statement I made recently before the Louisville/Jefferson County Cable Television Commission which I hope our colleagues find of interest.

STATEMENT OF CONGRESSMAN RON MAZZOLI BEFORE THE LOUISVILLE-JEFFERSON COUNTY CABLE TV COMMISSION

Mr. Chairman and Members of the Commission: This is the third time I have appeared before your distinguished Commission—in person or by representative—to discuss cable legislation pending in Congress and cable activities here at home. I thank you, Mr. Chairman, for according me these opportunities.

Since my last appearance much has happened at the federal level affecting cable television. But, before I discuss these activities, let me say a few words about the Louisville/Jefferson County Cable TV Commission.

Since the cable industry was deregulated by Congress in 1984, prices have soared nationally and in the Louisville and Jefferson County area. The Cable Deregulation Act was aimed at relieving the cable television industry—a fledgling industry at the time—of the conflicting, confusing, hodge-podge, crazy-quilt pattern of local government control of cable franchises.

In its place was to be a more harmonized monitoring by the Federal Communication Commission (FCC) of local cable franchisees both for rates charged, programming offered and service provided to the customers coupled with vigorous enforcement of federal antitrust laws to protect cable's subscribers and the local franchising authority from anti-competitive and monopolistic market and pricing practices by the cable operators.

But, that has failed to work. The Justice Department and the FCC allowed the 1980's to be a time of frenzied, highly-leveraged (debt laden) takeovers and buyouts and mergers of cable systems. Many industry observers argue that today's cable rate increases result not from increased programming costs, but from heavy costs of overhead and debt-service.

As we know, the Louisville/Jefferson County Cable TV Commission was created by Ordinance in 1980 and, until the federal law became effective in 1985, the Commission awarded franchises and ruled upon proposed cable rate increases. The remaining powers of the Commission—now composed of both elected officials and citizens—were ably outlined by Chairman Magre in a letter to the editor which appeared in the Sunday, August 16, Courier-Journal.

Despite the fact that local Boards of Aldermen and Fiscal Courts and City Councils can no longer regulate cable system rates structures, the Commission—to its great credit—is doing a good job in representing cable subscribers and all the residents of Louisville and Jefferson County.

For example, I commend and applaud the Commission for initiating this year a survey to ascertain customer attitudes concerning Storer's service and programming, and Storer's handling of customer telephone calls.

The findings, which the Commission well knows, were:

More than half of the respondents "strongly agree" that cable television should be reregulated;

Approximately 70% of the respondents who canceled service said they had done so because of increased costs;

While approximately 80% of the respondents were satisfied with Storer's service, more than half of these respondents were only "somewhat" satisfied.

It is precisely these expressed concerns—cost of cable signals and customers service—which drive the several cable reeregulation proposals now before House and Senate.

A tide of consumer dissatisfaction with cable has washed across Capitol Hill in the last few years. Each year the tide rises higher and the dissatisfactions become more profound.

In both the current and the last two Congresses cable legislation has been introduced, debated and acted upon by one or both Chambers. No final action, however, has been taken so far, though such action is possible this year despite the President's expressed opposition to cable legislation.

In January, the Senate overwhelmingly passed its cable bill, S. 12. By a resounding vote of 349 to 73—and with my strong support—the House passed its cable bill, H.R. 4850. The House bill is similar in many respects to S. 12 and incorporates elements of both H.R. 1369 and H.R. 3599, other cable bills I have co-sponsored this Congress. House and Senate Conferences have been appointed and they soon will start work readying a final cable bill which can then go to the President for his action. (Incidentally, were the President to veto the bill, I believe the veto would be overridden, and I would work to that end.)

H.R. 4850 is a good bill which briefly, promotes the following goals:

**Placing Local Franchise Authorities Back Into The Rate-Making Process.**—The Federal Communications Commission would be permitted to regulate cable rates where there is no "effective competition" defined as situations in which: (1) fewer than 30% of local households subscribe to cable service; (2) at least two multichannel video programming distributors offer services to 80% of local households and whose services are subscribed to by at least 15% of local households; or (3) a multichannel video operator, owned by the franchise authority, offers services to 50% of local households. The local franchise authority would not set rates but would oversee the rates set by the cable operator and could appeal to the FCC any rate increases or charges felt to be unreasonable. The FCC would make the final decisions of unreasonableness.

**Affordable Basic Cable Service.**—Under H.R. 4850 the FCC would establish a formula for determining the maximum rates cable operators could charge for a basic tier of cable service. The basic tier of service would include—at a minimum—all over-the-air broadcast stations and all public access channels. Local governments would enforce the cable operators' implementation of these FCC standards.

**Enhanced Consumer Protection.**—FCC would establish uniform customer service standards and set maximum permissible rates the cable system could charge for installation, additional hook-ups, converter boxes and remote controls. Local governments would be permitted to enact additional and enhanced customer service and consumer protection requirements which the cable system would then have to meet.

**Enhanced Local Competition.**—Local franchise authority would be prohibited from granting exclusive cable franchises and local governments would be permitted to establish

and operate competing cable systems. H.R. 4850 also includes language added during debate on the House floor—language I supported—requiring cable systems to offer cable-originated programming, at affordable prices, to competing systems such as direct broadcast satellite (disk antenna) and microwave. I also feel allowing telephone systems to add television signals to their wiring would add to the competition and would likely reduce subscriber costs and increase program offerings.

**Continued Carriage by Cable Systems Of Local Signals.**—Cable franchisees would be required to reserve up to one third of their channel capacity to carry local commercial broadcast channels as well as noncommercial educational television signals. This is the "must carry" rule.

H.R. 4850 is a good bill but it falls short in one respect, however. It does not provide local cable authorities with as much authority over cable television operations within their jurisdictions as I feel they should possess.

I continue to favor the approach taken in H.R. 3680—which I have co-sponsored—which empowers local governments to regulate cable rates but allows cable operators to appeal what they feel to be unreasonable local rate regulations to the FCC. The bill now in Conference places the burden of challenging unreasonable rates on the local authority.

I anticipate a successful House-Senate cable Conference this autumn. I should also add this caveat, however. A successful Conference may not be possible unless Congress can beat back the hoards of cable, broadcast, entertainment and sports lobbies who, for one reason or another, do not want a cable bill or want to twist it to their special liking.

This argues for the passage of campaign finance reform legislation to reduce the stranglehold the special interests have on Congress by reducing the money they can contribute to political campaigns. This would serve to return government and the political process to the people where they belong.

I again thank you, Mr. Chairman and Members of the Commission for inviting me to testify and look forward to working with you in the future.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

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

Mr. SCHUMER. Mr. Speaker, I rise in support of the legislation. I, too, wish to have a colloquy with the gentleman from Massachusetts [Mr. MARKEY].

Section 621A(b)(1) of S. 12 requires that the FCC, in consultation with representatives of the cable industry and the consumer electronics industry, report to Congress and issue regulations to assure compatibility between televisions and video cassette recorders and cable systems. A major purpose is to ensure that consumers reap the benefits of new and innovative technologies. Does the committee intend for the Commission also to consult with representatives of franchising authorities, who are on the frontline in ensuring that cable subscribers receive quality consumer friendly service, in preparing the report and drafting the regulations?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield. Yes. In addition

to such consultations, we expect the Commission to institute rulemaking and inquiry proceedings that give all interested parties the opportunity to express their views on these compatibility issues.

Mr. SCHUMER. Section 617(e) of S. 12 governs the time period that a franchising authority may consider a cable operator's transfer request, stating that the authority has 120 days to act on such a request that, "contains or is accompanied by such information as is required in accordance with Commission regulations and by the franchising authority." By this, is it the committee's intent that the time period not begin to toll until the transfer request is accompanied by information required by both the FCC and the franchising authority?

Mr. MARKEY. If the gentleman will yield. Yes. In addition, it is the committee's intention that this 120-day clock not start ticking until a franchising authority has received all requested information, regardless of whether this information is required by the FCC regulations. Otherwise, it would be possible for the 120-day period to expire and the transfer deemed granted under this section before a franchising authority even had received the information it requested from the operator regarding the transfer.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman.

□ OPEN

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. CALLAHAN]. (Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I rise in support of the conference report. This is not a perfect bill, but it is a good bill for consumers and it merits our support.

While we were home over the August recess, our cable operators launched a full scale assault against the cable bill. Ironically, they enlisted in this fight the very same people who have been clamoring for reeregulation for years—cable subscribers.

In recent monthly bills across the country, the cable companies advised customers that Congress was poised to pass legislation that would raise cable rates. This charge from the champions of rate increases is another irony. It is a red herring and it just is not true.

The cable companies do not want to be regulated and that is understandable. Customers who are tired of unwarranted and uncontrollable increases want us to provide some regulation. The conference report addresses consumer interests in two ways. First, it curtails unreasonable increases in basic cable rates. Second, it allows for competition to the cable industry.

These are not the features the cable industry is citing to customers. For the most part, cable companies are

pointing to retransmission consent as a sure-fire price increase. Even if retransmission consent were taken in a separate context and not included with the regulatory provisions, it is questionable that rates would rise. But it is in this package and any increases will be fully offset by rated regulations.

I would also urge our constituents and my colleagues to remember what local broadcast stations provide. They give us local news and related community services that are very expensive to produce. In a society that receives most of its news from television, it is frightening to think of the day when our access to the news is limited to the network anchors' interpretation of events.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. TAUZIN. Mr. Speaker, there is a lot of confusion unfortunately created by the cable monopoly on this issue. Let me help clear it up just a bit today.

If you do not know what upper tears and lower tears are, let me explain to you. Upper tears are the tears we shed over those high premium channel rates and those pay-per-viewer rates that we increasingly have to pay for programs that we used to get for free. And lower tears are the tears we shed over basic cable rates that have gone up three times the rate of inflation, because monopoly cable has been unrestrained for 8 years.

The bill we have before us today is a bill to give consumers a break. Make no mistake about it. It is a bill to save in communities where there is no competition. We are going to restrain the appetite for monopoly cable to gouge us the way they have been doing for 8 years. In the communities where competition does come, the regulations will go away.

The second part of the bill says that there will be competition in America, that cable can no longer refuse to sell its programs to the satellite distributors, to microwave distributors, who are struggling to bring competition to the marketplace.

Sixty-five communities in America have competition out of 11,000. Guess what our General Accounting Office found in a study when it looked at those 65 communities, and do not let the monopoly cable companies lie to you, in those 65 communities, cable rates fell 35 percent.

You want cable rates to go down? This is your bill. You want satellite television in rural areas? This is your bill. You want competition over regulation? This is your bill. This is the kind of bill America has been waiting for. We ought to pass it.

Let me assure you that those who take this floor in opposition to this

conference report want to vote for the monopoly cable position. They will use the retransmission-consent provision as an excuse. It does not amount to a hill of beans. Retransmission consent only says that your local broadcaster, if he wants to, can tell the cable company, "You have been carrying my program. You have been charging people for it. I want some of those revenues."

Now, which of your local broadcasters is in a position that he can tell the cable company, "I do not want to be carried on your cable; I insist that you pay me to carry me"? Which of them has that kind of clout? Which of them could afford not to be on cable? The answer is very few.

This retransmission-consent thing is not a big deal. It is certainly not the kind of big deal anybody can hide behind, but there will be people coming to this floor hiding behind retransmission consent, because they want to vote for the monopoly cable position.

If you want to vote for consumers, vote for this bill. Vote for the resolution to bring it up. Give consumers a break. Give them some restraint on cable rates. Give them some competition. Give American consumers what they have been begging for.

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

Mr. Speaker, before yielding to the next speaker, let me just point to the title of this bill which reads, "The Television Consumer Protection and Competition Act." I just heard some talk about competition.

Yet when I spent half the night trying to read the conference report, I was looking for the Senate provision that allows telephone companies in municipalities of less than 10,000 people, and I represent over 100 of them, to compete with the cable companies. That provision is missing. I would hope somebody on the majority side of the aisle would explain why that is not in this conference report.

That provision would truly promote competition.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], the distinguished dean of the California delegation and the ranking subcommittee member.

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

Mr. Speaker, I rise in opposition to the rule.

I regret to have to oppose the rule being requested by my chairman, but I do so for two reasons. One is procedural in that the proposed rule would waive all points of order.

Second, this conference report has a serious copyright repercussion, and the Committee on the Judiciary has been denied the opportunity to have any input into it.

If the committee system means anything at all, this requested rule should not pass.

This proposed rule is defective in that we need additional time to determine the actual costs to the taxpayer and to the consumer. I believe that is pretty basic.

The conference bill reregulates the cable industry. It does so at a substantial cost to the Federal Government and the State government.

But I support the bill as it originally came out of the House of Representatives. I believe that we need reregulation of cable. I think we have to have controls on the prices that cable charges.

But during the conference committees, this bill was hijacked by the broadcast industry. They are spending millions and millions of dollars on radio and television, and every hour you turn the radio on at the present time, because they know the billions of dollars they will get out of this bill in its present form if it is passed.

We have heard a lot of rhetoric about retransmission consent meaning nothing. Why then are the broadcast industries spending so much money in fighting for it? Of course it means billions of dollars to them. It is important to them that they get it.

I do not care really what we do to reregulate cable. They deserve whatever we do. But this cost is going to the general public, the people that buy cable programming.

As we reregulate cable, we give cable the right in the reregulation of the price they charge to recoup whatever cost their costs are from the public. Their prices will be raised as they have to pay more money for their programming, and if, as has been said by a previous speaker, there will be no cost to them, why in the heck are they fighting so much for it? Of course there is cost, and it is going to cost the public \$1 to \$3 billion.

I want this bill, but I want it without the retransmission consent.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

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

Mr. HUGHES. Mr. Speaker, first, let me thank my friend and distinguished colleague for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and in opposition to the conference report.

I want to congratulate the gentleman from Massachusetts. I think overall he did a very good job, and I supported the bill when it left the House.

□ 0920

But it came back from conference with provisions that are just totally unacceptable. My colleague, the gentleman from California, ranking Republican on my committee, says that the broadcasters are spending billions of dollars on this bill. So are the cable people; I mean, they have ads on every

hour, because there is billions and billions of dollars at stake.

Let me tell you, this will go down, I think, in history as the broadcasters' great train robbery because it was hijacked in conference. What is at stake is anywhere from \$1 to \$3 billion that the consumer is going to pick up.

My colleagues, \$1 to \$3 billion.

That is why you cannot turn on the tube or listen to the radio and not hear some advertising about this bill.

I have no sympathy for the cable industry. They have monopolized, they have conspired basically to take advantage of their unique position as a local distribution company, and they need to be regulated. That is why I supported this bill.

Retransmission consent, however—and, unfortunately, we are not going to have time to explain it in any detail because we were not given the time, just 1 hour of debate—retransmission consent gives the broadcasters an open-ended right to demand basically what they believe the market will bear, what they want, with somebody else's product. You do not turn on the television to look at a signal, you turn on the television to look at programming.

That is the copyright owners that produce the programming that we all watch. They have been left out of this equation. Frankly, not only are we going to suffer domestically but internationally; we are going to suffer because if we do not put any value on that creativity, that creativity that we get copyright for, what do you think the international community is going to do?

You know, the broadcasters want open competition, but this bill does not do that. What it does, it provides basically deregulation for them, for the broadcasters, but they want to keep the cable systems under regulation, under compulsory license, where they are paid—copyright owners are paid—perhaps a fraction of what the value is because we set rates through a mechanism to reward the copyright owners.

So, what we have, in essence, is deregulation for the broadcasters, but regulation for the cable systems. We are going to regret the day that we voted to pass this out of this House, believe me.

I urge my colleagues to vote against the rule, send it back, and vote against the conference report.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], a very distinguished member of the Committee on Rules.

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

Mr. DREIER of California. I thank my friend for yielding, and I would like to join in congratulating all the hard-working members of the Committee on Energy and Commerce who clearly do want to bring about a solution to what is obviously a problem.

Mr. Speaker, it seems to me incredibly ironic that as we observed over the

past 3 or 4 years the crumbling of the Berlin Wall, the demise of communism, the emergence of democracy and freedom, that we are here, following that, reregulating an industry which clearly played an integral role in that expanded communication of freedom throughout the world. We have seen a wider range of choices provided to the American consumer. It is obvious that we all recognize that there is a problem.

Tragically, this legislation moves in the opposite direction from where we are trying to go.

There are some of us who believe that the best way to deal with the problem that exists, that of increased costs, is to encourage competition. Tragically, the retransmission fee, the one thing that is actually mandated in this bill, increases by billions of dollars the fee that will be charged to that cable subscriber.

We see the opportunity for people to enjoy 40, 50, 60 channels, and we also see the opportunity for our broadcasters to advertise for thousands of dollars a minute on commercial over-the-air television.

So, why should this fee be imposed, not on the cable industry, but on the cable subscriber? It seems to me that we should oppose this rule and we should oppose this legislation and we should come back with a bill which can, in fact, bring about a greater degree of competition for the American consumer.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

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

Mr. ECKART. Mr. Speaker, let me briefly thank my colleagues for this opportunity. There has been a lot of misinformation here. I feel it is a little bit like a candidate might, for those of you who can identify with and understand that experience. You have heard a lot of things that you just do not recognize.

My colleague from New York, Mr. LANTZ, quoted three newspapers' positions on the cable bill. What he did not tell you was that those three newspapers are owned by companies that own cable television systems.

Are we surprised they editorialized against it? Of course not.

My colleague from New York, Mr. LENTZ, quoted the New York Times. He did not tell you, though, that the New York Times embraced the bill and urged the Congress to support it.

The fact of the matter is that there is a disturbing trend here of disinformation and misinformation about this bill and what it will cost.

I noted with a great deal of interest the comments by my other colleague from New York, Mr. SOLOMON, claiming that there was no debate, no vote on retransmission consent. And the Committee on the Judiciary's objections

that their concerns were not made part of the bill.

The fact of the matter is that retransmission consent was solely referred to the Committee on Energy and Commerce; the fact of the matter is that the Committee on the Judiciary asked the Rules Committee that it not be discussed; and the Committee on Rules did not make retransmission consent in order, Mr. SOLOMON. So do not come out here and complain that we did not get a chance to vote, when the gentleman from New York would not give us a chance to vote.

I begged for an opportunity to present this case. I demanded an opportunity to debate it and was willing to measure my position against the Committee on the Judiciary's position, and was denied that opportunity.

Mr. SOLOMON. Mr. Speaker, will the gentleman from Ohio yield to me briefly, and I will yield him some extra time, since my name was mentioned?

Mr. ECKART. I would be glad to yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

I just want the gentleman to know that I introduced the motion for an open rule, which would have allowed the gentleman from Ohio to do exactly what he wants. So, please do not point fingers over here. I was for the gentleman from Ohio. It was the other side that denied him his rights his own party's members on the Rules Committee.

Mr. ECKART. Well, the fact of the matter is that the Committee on Rules did not make in order a position that the Committee on Rules now asserts is the reason why you should defeat this rule on this bill. That is just inconsequential when it comes to me.

Now, as to the debate on the substance, my colleague, the gentleman from Texas [Mr. FIELDS], and I were prepared to stand in contrast to copyright reform; in fact, I think it may be needed and necessary. But we were not given the opportunity. Unfortunately, the commenters will be protected—Mr. Speaker, do I have time remaining?

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. ECKART] has expired.

Mr. SOLOMON. Mr. Speaker, if I might, I would yield 1 minute to the gentleman so that he may yield to the gentleman from Texas [Mr. FIELDS].

Mr. ECKART. I thank the gentleman for yielding, and I yield to my friend, the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. First of all I want to compliment the gentleman in the well on the work that he has done on this issue. But going back to the history of this issue, the issue really goes back to 1977, when Congress gave broadcasters control over their signal, a proprietary right. In 1980 the FCC made an exception for a fledgling cable industry. Today we have a \$3 to \$3 billion cable monopoly.

So what I wanted to ask the gentleman: What we are talking about in

retransmission consent is basically a restoration of Congress' original intent. That was one of the motivating reasons that got me involved in this issue, me working with the gentleman, for the concept of retransmission consent.

Mr. ECKART. The local broadcaster is, the gentleman correctly asserts, the neighborhood, the front porch. It is the local broadcaster whose signal tells the folks about whether schools will be open tomorrow, or the flood or the hurricane. It is the local broadcaster who really is the competition in the marketplace. It is a signal which the cable companies say they stole fair and square. They are paying for it as a consumer now. All we are saying is that the local broadcaster has the right to protect their property as any other property right in America should be protected.

□ 0930

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker and colleagues, I am disgusted with the latest round of cable propaganda on television.

I guess the most misleading part of the ads that we have seen is the deep concern the cable industry is displaying for consumers, the very ones they have been gouging for the last 8 years, as we have seen the rates increased 3 times more than the rate of inflation.

If they are so concerned about rates, where have they been?

Do not be fooled. They are not interested in protecting the cable television watching public from higher rates. They are afraid of regulations which will put an end to their runaway rate hikes.

Heaven help them when a bill like S. 12 actually promotes competition, ending cable's monopoly stranglehold.

This cable bill is exactly as it is named. It protects consumers and it encourages competition.

If your constituents call you, misled by these ads, you tell them to consider the source of their information. It will be printed on their cable bills right next to the latest rate increase.

As evidence of what I am speaking, in Birmingham, AL, in an article in the Post-Herald on Wednesday of this week, it says that on the outside of your Birmingham cable bill, it tells them, their constituents, or consumers, to fight national legislation or face increases in your cable charge.

On the inside, however, they are telling the consumer that they are raising the price of their service.

I ask you to support the rule and support the bill.

Mr. Speaker, I include the article from the Birmingham Post-Herald, as follows:

[From the Birmingham Post-Herald, Wednesday, Sept. 16, 1992]

CONGRESS READS FOR CABLE TV VOTE  
(By Nancy Bereckis)

On the outside of your Birmingham Cable bill, the company tells you to fight national legislation or face increases in your cable charge.

On the inside, however, Birmingham Cable tells you it is raising the price of your service.

It would seem the cable company is failing to practice what it preaches.

But Birmingham Cable Communications president Michael D'Ambra said yesterday there is nothing contradictory about lobbying against raising rates while raising them.

"These are two separate and distinct issues. Our price increase is justifiable because we need the money to pay for a new station (Video Hits-1) and other operational costs that have gone up," he said of the hike in the charge of basic service from \$18.96 to \$20.35 per month.

"If the bill in Congress passes, the price of cable will increase three or four dollars a month and it won't be justifiable."

That bill, which Congress has scheduled a final vote on tomorrow, would regulate cable television, giving cities like Birmingham more power in deciding how much cable companies can charge customers.

And depending on whom you talk to, it will either result in much higher rates or much lower ones.

Industry experts, including D'Ambra, say a provision in the bill requiring cable companies to pay fees to carry commercial TV stations that are now carried for free would result in higher bills for customers.

But the other side, which includes the National Association of Broadcasters, and Birmingham City Councilman Roosevelt Bell, say the passage of the federal bill will result in rates dropping by up to 30 percent.

"When the cable industry was regulated before 1986, we kept rates down," Bell said. "But now our hands are tied. We raise hell every time they raise rates, but that's about all we can do."

When the cable industry was regulated, the city council would vote on whether Birmingham Cable could raise rates.

Now the city has a non-exclusive franchise agreement with Birmingham Cable. The agreement requires Birmingham Cable to pay 5 percent of its profits for use of the city's right-of-ways, such as streets and alleys. It gives no power to the city to regulate rates.

If another cable company wanted to compete with Birmingham Cable, theoretically it could. But another company would have an uphill fight for two reasons, Bell said.

First, Birmingham Cable already has recouped its initial loss for installing the actual wires. Second, Birmingham Cable has an advantage because it is owned by the multimedia giant Time Warner Inc.

For fiscal year 1991, Time Warner reported that its cable companies brought in \$72 million, an increase of \$103 million from the year before.

D'Ambra said Birmingham Cable does not add substantially to Time Warner's cable profits, although he refused to disclose how much money his company has made.

"I can say that we are very price sensitive because we realize that we need to keep prices low or our customers won't be able to afford cable," he said.

But Bell said Birmingham Cable's price hikes are evident that the company is abusing its growing and largely unregulated monopoly on the city's cable television market.

"We have a cable commission but it has no power," he said. "Just look at how much

rates have increased since deregulation (in 1986) and you'll see."

When Birmingham Cable began operating in the city in 1976, the charge for basic services was \$7. In 1985, the year before then-President Ronald Reagan successfully pushed through the bill to deregulate the cable industry, Birmingham Cable charged \$10 for basic service.

In the six years since, Birmingham Cable has raised its rates almost yearly. D'Ambra said the company did not raise rates one year. The last rate increase was in October 1991.

The new rate hike, which goes into effect with the October billing, will go to pay not only for the new music video channel but will also pay for an increase in Alabama Power's charge to Birmingham Cable for use of its poles.

"I don't think there is a more cost-efficient form of entertainment than cable television," D'Ambra said.

But despite his claim, the city of Birmingham's law department confirmed it is looking at ways to bring another cable franchise into the city to compete with Birmingham Cable.

CABLE COSTS

The price of cable varies greatly depending on where you live. Here is a sampling of monthly cable costs in the Birmingham area. (The prices listed are excluding specials. The cost of basic service is the price for all cable stations except movie channels.)

BIRMINGHAM CABLE COMMUNICATIONS

Serves—Birmingham and Irondale.  
Basic service—\$20.35 (as of October billing)  
Installation—\$25  
One movie channel such as Home Box Office—\$10.96  
Extra fees—remote control, \$4; additional outlet, \$3.75

BESSEMER CABLE COMMUNICATIONS

Serves—Bessemer and some unincorporated Jefferson County  
Basic service—\$18.49 inside city limits; \$18.85 outside city  
Installation—\$25  
One movie channel such as HBO—\$10.96  
Extra fees—converter box, \$15; remote control, \$4

CHESSBORO CABLE TELEVISION

Serves—Fultondale, Gardendale, Pelham, Alabaster, Helena, Cahaba Valley, Forestdale, Adamsville, Graysonville, Trussville, parts of Jefferson County  
Basic service—\$22.95  
Installation—\$50  
One movie channel such as HBO—with basic cable, \$32.90; installation drops to \$30 when ordering with one movie channel  
Extra fees—None

MOUNTAIN BROOK CABLEVISION INC.

Serves—Mountain Brook  
Basic service—\$26.45  
Installation—\$36, apartment; \$45, house  
One movie channel such as HBO—\$12.95  
Extra fees—Remote control, \$4; remote control without volume control, \$2; other outlets, \$7.50

SHELBY CABLE INC.

Serves—North Shelby County along the U.S. 280 corridor from Interstate 459, including Inverness, Meadow Brook and Brook Highland subdivision  
Basic service—\$24.90  
Installation—\$36, apartment; \$45, house; \$65 for new house that has never had cable  
One movie channel such as HBO—\$12.95  
Extra fees—Remote control, \$4; remote control without volume control, \$2

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes

to the gentleman from California [Mr. BERMAN].

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

Mr. BERMAN. Mr. Speaker and my colleagues, Abraham Lincoln used to say that calling a tall a leg does not make it one.

We keep hearing about cable being a monopoly and the need to regulate monopolies, but no one in support of the conference report deals with the fact that a proconsumer bill that passed this House and the conference committee all of a sudden put in a provision totally unregulated, with no price protection for the consumers, that totally defied the whole logic of copyrights law, that provides the broadcasters with a major loophole, a proconsumer bill for strategic advantage only, was turned into an anticonsumer bill to help one particular industry at the expense of another industry.

It is a deal, pure and simple. While there is nothing untoward about this kind of a deal, there is something about the sanctimonious nature of the proconsumer arguments from people who came back from a conference committee having accepted a provision that never should have been in this legislation in the first place, which weakens its proconsumer protection, which provides an unregulated potential price increase to the consumers of cable televisions, and which essentially, as I mentioned earlier, makes an arrangement with one particular industry at the expense of another particular industry.

The key impetus for this bill was a widely accepted notion that it was time to remove some of the exemptions and protections earlier enacted by Congress to prop up a fledgling cable industry; but retransmission consent by allowing broadcasters to withhold their signals from cable, but not permitting copyright owners to do likewise with their programming, in essence repeals the cable compulsory license for broadcasters, but not for program owners.

It is inequitable. It is both unfair to an industry and unfair to the consumers, and I urge the conference report on this bill be defeated.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER], a distinguished member of the committee.

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

Mr. RITTER. Mr. Speaker, I think we have heard a good deal about the way the rule does not allow the House to vote on a very important addition to this conference report, one that will cost consumers considerably. The rule essentially muzzles the House on this issue of retransmission consent, which adds to the cost of the bill. There are no two ways about it.

The gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Michigan [Mr. DINGELL] both have stat-

ed that the costs to consumers from this bill would rise.

The economy is suffering from an overdose of taxation, regulation, and litigation, and we have a highly regulatory bill here. We have a bill that goes into micromanaging one of America's more successful stories of the last decade.

You know, people talk about increases in the costs of cable and they talk about multiples of the inflation rate, but the reality is that on a per-channel basis the costs have essentially been level with inflation and probably somewhat less.

The reality is that we have C-SPAN. We have CNN, and we have the Discovery Channel. We have Arts and Entertainment and we have so much added to our platter since 1984.

You know, in a sense, this bill is a punishment bill. This bill punished cable for being successful. We need more success stories like the cable industry in our economy.

From 1978 through 1990, jobs increased in this industry from 23,000 to 100,000.

We could have a much more limited approach. We could stimulate "Must carry." We could stimulate some more competition, and we could maybe do something positive, but this bill is negative to the American people.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. First of all, Mr. Speaker, I want to thank my good friend, the gentleman from South Carolina [Mr. DERRICK], for having yielded me this time.

Second, I want to commend him and the Rules Committee for the way they have crafted this rule expeditiously to allow the House properly to consider the business before it.

Third, I want to urge my colleagues in the strongest way possible to vote for the rule.

You have heard a number of complaints about the copyright laws, and it is quite possible that the copyright laws are not working. Those are not within the jurisdiction of the Commerce Committee.

I would urge that my good friends from the Judiciary Committee put those matters before us at an appropriate time.

I would point out to my colleagues that Hollywood has not been hurt by this legislation. Indeed, had the Judiciary Committee accepted the three conferees they were offered, they would very successfully have achieved active participation in a conference. They could very well not only have achieved what they wanted, but could have achieved deadlock had they so desired.

I would point out to my colleagues something else that is very important, and that is that we should listen to the people, not to the special interests.

Look at the list of those who support the legislation and then look at the list of those who oppose it.

The American people are fed up with rapidly escalating and outrageous cable television bills, bills from an unregulated monopoly that has one purpose, to maximize its profits at the expense of the American consumer.

Look at the roster of those who support the bill, those in opposition to the views of Hollywood and the cable people.

The Consumer Federation of America, the AFL-CIO, the UAW, the American Association of Retired Persons, and the rural electric co-ops, the League of Cities, the attorneys general of the States, and of course, the satellite broadcasters who will achieve a measure of competition.

I urge my colleagues to vote for the rule and for the conference report.

Mr. SOLOMON. Mr. Speaker, let me just call your attention to a time back in December 1980. Do you know what we did in that lameduck session? We just about ruined America.

□ 0940

Do my colleagues remember when this House overwhelmingly passed a bill in the middle of the night, in a lameduck session, with no hearings? We raised the Federal deposit insurance guarantee from \$40,000 per individual up to \$100,000 per account. In effect, we said to multimillionaires across this country: "You can gamble on every deadbeat financial institution across this country because the Federal Government is going to guarantee every one of your deposits, not just your first \$40,000." We are faced with a similar procedure here today. We are being compelled to vote on a very important concept with far-reaching implications, without any benefit of hearings or debate.

Mr. Speaker, I just want my colleagues to remember something. When 5 years go by, I want their constituents to call them every time cable rates go up, because they are going to go up. We have not dealt with that problem. Nobody knows what this bill is going to do.

And, Mr. Speaker, as soon as this debate time is over, I am going to ask unanimous consent that the gentleman from Texas [Mr. BROOKS] and the gentleman from New Jersey [Mr. HUGHES], be given 1 hour to enlighten this House on just how bad this bill really is and what it will do to the cable users of America.

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

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

Mr. Speaker, most of us think that it is better to keep the Federal Government out of as much regulation as we can, but I think we all further understand that there are times that it is in the best interests of the consumer that we do regulate. We certainly learned



## PART B—PILOT PROGRAMS AND REPORTS

SEC. 118. PILOT PROGRAM OF COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS.

(a) \* \* \*

(d) DURATION OF PROGRAM.—The authority for the pilot program authorized by this section expires on September 30, [1992.] 1994.

STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS ACT OF 1988 (Public Law 100-628, November 7, 1988)

## TITLE VIII—VETERANS PROGRAMS

## SEC. 801. MEDICAL PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the [Veterans' Administration for each of fiscal years 1989 and 1990, in addition to any funds appropriated pursuant to any other authorization (whether definite or indefinite) of appropriations for those fiscal years, the sum of \$30,000,000 for the medical care of veterans by the Veterans' Administration.] Department of Veterans Affairs \$50,000,000 for fiscal year 1993 for medical care of veterans. Funds appropriated pursuant to this section shall be in addition to any funds appropriated pursuant to any other authorizations (whether definite or indefinite) for medical care of veterans.

(b) DOMICILIARY CARE.—[Of the amount] The amounts appropriated pursuant to subsection [(a), 50 percent] (a) shall be available for—

(1) converting to use for domiciliary care beds the underused space located in facilities under the jurisdiction of the Administrator of Veterans' Affairs in urban areas in which there are significant numbers of homeless veterans; and

(2) furnishing domiciliary care in such beds to eligible veterans (primarily homeless veterans) who are in need of such care.

(c) CHRONICALLY MENTALLY ILL HOMELESS VETERANS.—[Of the amount] The amounts appropriated pursuant to subsection [(a), 50 percent] (a) shall be available for furnishing care and treatment and rehabilitative services under section 115 of the Veterans Benefits and Services Act of 1968. (Public Law 100-322; 102 Stat. 501) to homeless veterans who have a chronic mental illness disability. Not more than \$500,000 of the amount available under the preceding sentence shall be used for the purpose of monitoring the furnishing of such care and services and, in furtherance of such purpose, maintaining in the Veterans' Administration the equivalent of 10 full-time employees.

G. V. MONTGOMERY,  
DON EDWARDS,  
J. ROY ROWLAND,  
BOB STUMP,  
JOHN PAUL  
HAMMERSCHMIDT,  
*Managers on the Part of the House.*

ALAN CRANSTON,  
JOHN D. ROCKEFELLER,  
ARLEN SPECTER,  
*Managers on the Part of the Senate.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4542

Mr. SUNDQUIST. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 4542.

The SPEAKER pro tempore (Mr. LUKEN). Is there objection to the re-

quest of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON S. 12, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992

Mr. MARKEY. Mr. Speaker, pursuant to House Resolution 571, I call up the conference report on the Senate bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rate, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 14, 1992, at page H8308.)

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) will be recognized for 30 minutes, and the gentleman from New York (Mr. LENT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY)

□ 1010

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

Mr. Speaker, the cable industry is a monopoly. That is why we are here today. It has absolutely no competition across this country. As a result, Mr. Speaker, consumers are left to the mercy of the cable industry, which has resulted in a three times the rate of inflation increase in their rates every year for the last 8 years in a row. This bill puts an end to that.

The Consumer Federation of America, the American Association of Retired People, the AFL-CIO, argue that we will save \$6 billion a year for consumers in this country, a \$6 billion tax cut, for consumers across this country, that goes into the pockets of ordinary people, a \$6 billion tax cut for ordinary people.

Mr. Speaker, the FCC says that if there was competition for the cable industry, that it would reduce rates by \$5.3 billion. This bill gives real competition to the cable industry. As a result, it will reduce rates by \$5.3 billion, even using the FCC's arguments.

The debate is really between whether it is going to be a \$5 billion or a \$6 billion benefit. The real argument is whether we are going to have a \$5 billion or \$6 billion benefit for the consumers of this country.

For the cable industry to be arguing now, at this late moment, with their crocodile tears that they are concerned about the consumers of this country, is to engage in the most disingenuous of arguments.

This is a very simple debate. A yes vote is for the consumer, a no vote is for the cable industry, make no bones about it. That is how the voters of this country are going to use this issue in November.

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

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

Mr. LENT. Mr. Speaker, I rise in strong opposition to the conference report to S. 12, the so-called Cable Television Consumer Protection and Competition Act. This is a truly misleading title for this legislation, because if there is anything this bill lacks it is consumer protection and competition. The saddest irony is that we had an opportunity to pass legislation that would have provided cable subscribers with some protection and would have increased competition in the cable industry.

But that opportunity has long since passed. Unfortunately, the bill before us today perpetrates a cruel hoax on the American people; it is a cable rate-raising measure masquerading as a cable subscriber cure all. Mark my words, if this bill is enacted, it will raise cable rates and subscribers will be screaming that the remedy is far worse than the disease. And they will know who to thank for this supposed gift.

Mr. Speaker, when we first considered legislation to examine an essentially deregulated cable industry 4 years ago, we focused narrowly on the key consumer concerns: rates and services. And we passed a bill in 1990 that addressed those problems. I would have hoped that bill would have been our starting point this year. But that was not to be.

Instead, we were told that things have changed—that is, the cable industry's record has been so dismal over the last 2 years that a more stringent and regulatory bill is appropriate. Never mind that no record was ever developed in the Energy and Commerce Committee to justify such a bill. Sadly, we have come to understand exactly what was meant by things have changed—politics.

In the Energy and Commerce Committee and on the House floor, I have previously urged my colleagues to support a moderate, responsible approach to the cable rates and service issues. But we have consistently seen the triumph of politics over substance. This leads me to the conclusion that I must oppose the cable legislation before us today.

Mr. Speaker, there has been a raging debate over whether this bill will save or cost cable customers money and how much. On that score, let me simply point out that the method of establishing cable subscribers rates under the bill is essentially a traditional cost plus formula. Thus, the cable operator will simply total up the costs of providing a basic tier of cable service, and

pass these costs on with a reasonable profit.

The structure of the basic tier under this bill, the cable equipment compatibility requirements, and the excessive prescriptions and regulations in this bill—all add up to an expensive price tag. It has been estimated that the cost of reregulation could be up to about \$3 billion annually. Assuming all of this cost is passed onto cable subscribers—which it would be under this bill—it could add over \$50 annually to the cable bill of America's 55 million cable subscribers.

Even key proponents of the bill have publicly stated that this bill could very well end up raising, not lowering, customer rates. On behalf of the thousands of cable subscribers who have contacted Congress to express concern about this bill, let me say the following: Thanks, but no thanks.

This bill microregulates the cable industry. As a colleague and good friend recently observed, we regulate just about everything but where the subscriber places the television set in the home. And to what end? Not to help consumers, that's for certain. Onerous regulation will lead to a very natural reaction from the industry: less cable programming, fewer cable packaging options, and less investment in equipment upgrades to provide new cable services. In sum, less consumer choice.

What will this legislation mean for one of the crown jewel industries in this country? One that invests over \$3.5 billion annually in new programming and directly and indirectly employs nearly one-half million people? Suffice it to say, this bill is not good news—jobs will both not be created and will be lost at home, and our trade balance will also be harmed. The cable industry has consistently provided a net trade surplus, but we are placing this in jeopardy as well.

The bill that emerged from the House-Senate cable conference has adopted some of the most onerous and regulatory features of both bills. Consequently, we are today considering a conference report that demonstrably and unavoidably will raise cable subscriber rates and diminish future consumer choice.

I mentioned earlier the irony of the word "competition" in the title of the bill. We had an opportunity to create meaningful competition to cable in rural communities covering a significant portion of this country. The Senate bill included a provision to allow telephone companies to provide cable in communities up to 10,000 people. But that provision, probably the most pro-competitive feature of the cable legislation, was unceremoniously dropped in the conference. So much for any real competition in this bill.

For all these reasons, I urge my colleagues to adopt the only responsible course of action available, and reject this conference report and the threat it poses of higher cable rates.

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

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

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

Mr. SYNAR. Mr. Speaker, I rise today in support of the conference report on S. 12, the Cable Television Consumer Protection and Competition Act of 1992. It is my view that the root of the complaints about cable rates and cable service is the consumer's lack of competitive alternatives to cable television. I support this conference report because it promotes competition in the cable industry, especially in the key area of providing fair access to television programming.

The conference report stops cable operators from denying competitors unfettered access to the full range of cable programming. This is critical in a rural district like my own where many of my constituents rely on satellite dishes for their television programming. Right now some cable programmers refuse to even sell programming to home satellite dish distributors and those that do charge the distributors an average of 500-percent more than they charge cable operators for the exact same programming. Cable programmers get away with this because they have no real competition. But when this bill goes through, the people in my district will have better cable television because cable operators won't be allowed to restrain their competition from providing the programming consumers want.

The major change from the House-passed bill is the conference report's inclusion of retransmission-consent provisions. These provisions trouble me because they conflict with my notions of intellectual property rights. However, the bill provides a 1-year phase-in period for retransmission consent during which time Congress can revisit the issue.

I urge my colleagues to adopt the conference report and promote real competition in the cable industry.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. RINALDO], the distinguished ranking member of the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce.

Mr. RINALDO. Mr. Speaker, the conference report before the House of Representatives this morning is the culmination of literally years of work by Members of the House and Senate.

I want to note the work of the subcommittee chairman, Representative ED MARKEY, on this legislation. He and I first put together a cable bill over 2 years ago, and we were able to gain strong, bipartisan support for that bill. In the last few months, we have disagreed on several issues, but throughout the process he has been fair, he has been committed to helping consumers,

and in the view of this Member he has distinguished himself and done credit not only to the Energy and Commerce Committee but to this Chamber.

The task before the committee was not easy.

We enacted the Cable Communications Policy Act in 1984, and rates were deregulated in 1986.

Since then, the Telecommunications Subcommittee has carefully examined the cable industry, the complaints of customers, the recommendations of consumer groups and competitors to cable, and we have compiled an extensive record on both the failures and the successes in the industry.

That record provides clear evidence that there have been numerous instances of abusively high rates and poor customer service.

After 1986, some cable operators took advantage of deregulation to raise rates above what was justified.

Unfortunately, in far too many instances, cable TV customers had no other cable company to turn to. It was all or nothing with the only franchise in town.

What we really need is additional competition, and the way to do it would be to allow Telco entry into cable.

At the same time, far too many cable operators were not ready for the number of homes who signed up.

Customer service was woefully poor in many areas. And it was far below the minimum level that rising cable prices demanded.

There have also been repeated complaints from other industries—including DBS, MMDS, TVRO and others—that the cable industry was refusing to provide programming to potential competitors.

On the one hand, cable operators were given freedom from price regulation, and on the other hand they were stifling any potential competition by locking up programming.

Nearly 3 years ago, I laid out a challenge to leaders of the cable industry. I told them the facts of life in Congress, and I said that if they were unwilling to clean up problems in their industry, Congress would do it for them.

I laid out a six-point plan for customer service, which included a restraint on rises in cable TV rates, hiring more customer service representatives, adding additional telephone lines if necessary. In short, I told them to do the job they should have been doing all along.

Not long after that, Chairman DINGELL, Chairman MARKEY, Congressman LENT, and I put together a responsible piece of legislation. It had broad, bipartisan support and it passed the House of Representatives overwhelmingly 2 years ago.

Today, just as 2 years ago, we were guided by one simple principle:

Deregulation was not an unqualified failure. In fact, it brought tremendous success to the cable TV industry.

September 17, 1992

Approximately 90 percent of American homes now have access to cable TV, and more than 60 percent now subscribe.

In many areas throughout the country, cable customers have access not just to dozens but to scores of cable channels.

C-SPAN and CNN have literally changed the way Americans receive information about politics, government, and local, national, and international events.

The goal of the committee was not to undermine that success. It was to build upon it. In essence, we had three goals:

First, we wanted to address the primary concerns of consumers—rates and service.

Second, we wanted to reinstate the must carry rules in a fair manner that would pass constitutional muster.

Third, we wanted to inject a greater degree of competition to the industry.

My goal, and the goal of my colleagues, has not been to bash the cable industry. It has been to stimulate competition, to hold down excessive rate increases and to improve service for cable TV consumers.

The conference report now under consideration accomplishes those goals, but it is also true, as its critics point out, that it does more.

The language in this legislation on access to programming is much stronger than approved by the House 2 years ago.

The provisions on rate regulation are much more extensive than the bipartisan bill of 2 years ago.

The open basic tier included in the legislation is far different from the Markey-Rinaldo bill of the last Congress.

In fact, this conference report embodies a whole host of recommendations that were approved by the Senate in January that I view as objectionable and not in the best interest of the consumer.

We tried to deal with these issues in conference, and in fact we were rejected several controversial proposals.

We did not include language blacking out baseball games on superstations when those same games are broadcast on superstations.

We moderated the buy-through provisions to lessen the impact of the bill.

We eliminated mandatory carriage of superstations on the basic tier.

We removed the foreign ownership restrictions.

Mr. Speaker, this is not a perfect bill.

This is not the legislation I would prefer. I have underscored my concerns and objections to my colleagues, and I have worked as hard as possible to have the legislation reflect those concerns.

But this is the final vote: This is the last chance in this Congress to address excesses in the cable industry.

While I still have serious concerns about the measure, I believe that on balance it does deal with demonstrated problems in the industry, and I intend

to vote in favor of the conference report.

□ 1020

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

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

Mr. SWIFT. Mr. Speaker, consumers have endured increasingly high cable rates and increasingly bad cable service ever since cable was deregulated in 1984. This bill will do something about it.

But there are those who say that this bill will raise rates. Who says that? Why, the cable industry does.

What are we to make of that? I would like to share with my colleagues portions of an article written by columnist Don Hannula of the Seattle Times in responding to the bill-stuffer campaign of the cable industry. Mr. Hannula said:

Don't believe the flyer. It's garbage. Throw it out with the grapefruit rinds.

He continues:

If cable television was interested in holding down rates, it would have done it on its own—and there wouldn't have been a consumer clamor for Congress to reregulate the industry.

Rates for the most popular cable service rose 61 percent nationwide in the 4 years after deregulation became effective in 1986. That was triple the rate of inflation over the same time span.

And Mr. Hannula points out:

A Consumer Report survey also showed cable satisfaction was the lowest it had found in 16 years of rating service industries. The magazine lamented that cable operators had been able to get away with poor service because they had a captive audience.

He concludes:

If you think cable companies are losing sleep over rising rates, believe the green flyer of the National Cable Television Association. If you don't, don't.

I think Mr. Hannula has it right. If you believe in the tooth fairy, Elvis sightings, and cable's newfound concern for their long-suffering customers, then vote against this conference report. If not, then take cable's propaganda and put it with the grapefruit rinds.

I urge my colleagues to vote for this cable reform legislation.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a member of the committee.

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

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

Mr. RICHARDSON. I yield to the gentleman from Illinois.

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

Mr. HASTERT. Mr. Speaker, I rise in opposition to the bill.

I rise today in opposition to the cable bill conference report. Quite simply, this bill will not do what the authors of the bill allege.

This bill is not proconsumer. It is my belief and that of others who are experts in this field that this bill will at best keep cable rates relatively flat. That is right, just keep cable rates flat, but at what cost? This bill's regulatory scheme will unquestionably adversely affect the quality and quantity of programming available to consumers. Simply, it will restrict choice. At a time when the American consumer is looking for greater program choices, we do not need to be restricting choices with excessive regulation. Lastly, and most perversely, this bill will raise rates. I can tell you that my constituents do not want this bill because it will raise their rates. I urge Members to read their mail and to listen to what their constituents say about this bill. Under this bill the FCC would have to set cable rates. I can tell you that it does not want this responsibility, does not think it is required and furthermore thinks the cost of regulating the cable industry would be so much it would eclipse its other responsibilities. The FCC estimates that this regulation will cost between \$22 million and \$54.7 million per year.

This brings us to the second fatal flaw of S. 12. It is not procompetition. It is not procompetition because the cable policy envisioned in this bill refuses to acknowledge the potential benefits to American consumers of real competition in the cable industry. One aspect of competition that is not addressed in this bill is the prospect of local exchange telephone companies owning and delivering cable programming, under appropriate regulation, in their respective service areas. Ironically, the only provision in either bill dealing with telephone competition and enfranchising of many potential small town and rural customers—by expanding the rural exemption from 2,500 to 10,000 people—was eliminated by the conferees.

Congress can not ignore the issue of telcable entry and video programming any longer. Beyond that, the key competitive element of encouraging telephone companies to provide fiber optic highways, or other modern broadband technology is greatly lacking in the proposed legislation. What is more, if this wrong-headed legislation does not become law, we will probably not be in a position to deal with the issue of true competition for another decade or so.

Let us not act precipitously and pretend the future is not already at hand. Let us not pass this conference report which is, unfortunately, both anticonsumer and anticompetition.

Mr. RICHARDSON. Mr. Speaker, there is a great deal of confusion surrounding what the conference report does on equal employment opportunities for minorities and women. I want to set the record straight on this issue.

When H.R. 4850 passed the House in July, it had a strong EEO provision. The House put its support behind a policy that strengthened EEO rules on the cable industry and extended these standards to the television broadcasting industry. That was good policy. That policy had the support of the Energy and Commerce Committee and the full House because we decided to do something finally about the under-rep-

resentation of minorities and women in the mass media area.

The House now has before it, in this conference report, a very different EEO policy. In fact, it has two EEO policies. Minorities and women get one set of EEO rules if they work at a cable company, and they get a different set of EEO rules if they work at a television broadcast station.

The conference report has a solid EEO policy with respect to cable. It will subject the cable industry to new requirements and tougher FCC enforcement. This change is a much needed improvement to existing EEO cable rules, and I strongly support these additional measures.

The conference report, however, severely weakens the EEO policy with respect to the broadcast industry. Instead of agreeing to the House-passed version on EEO, conferees choose to simply codify the FCC's existing rules on equal opportunity in employment.

There's a big difference between the House-passed EEO provision and just simply codifying what is already required by FCC regulation. Codification is simply putting the "status quo" into the Federal statute. The conference report has stripped away important requirements that would have:

First, directed the FCC to annually certify broadcaster compliance with EEO obligations.

Second, instructed the FCC to review broadcaster performance as part of the license renewal process.

Third, encouraged broadcasters to take affirmative steps to do business with minority and female entrepreneurs.

Fourth, expanded the listing of job categories on the annual statistical report to 15 categories in an effort to better define the representation of minorities and women who really work in decision-making positions.

Members of the House should know that all we are doing on broadcast EEO is putting existing FCC rules into the statute. There will be no change in the EEO policies and programs of television broadcast stations. None.

Mr. Speaker, as a legislator, I recognize the need to compromise. But we should not accept compromises when they really serve as nothing more than an excuse. Supporters of the conference report are going to try and assuage those House Members who are upset about the changes made on broadcast EEO with the usual talk about the need to compromise. Some are going to make the following argument to us, "well, at least we got something. The Senate wanted to do nothing, but we fought to get you what you already have and put the existing broadcast EEO rules into the statute."

Mr. Speaker, I would respond to that by saying it is ironic that in a bill where the broadcasting industry has refused to compromise on all their top priorities—retransmission consent, one-third set-aside for must-carry stations, no minimum viewing standards,

channel positioning—that the House is asking minorities and women to compromise on something that is a priority for them: meaningful equal employment opportunity (EEO) rules for minorities and women who work in the broadcast industry.

Mr. Speaker, the House normally adheres to a different standard. When the House passed the 1984 Cable Act, we told the cable industry that if it wanted the benefits of legislation, then it would have to accept social responsibilities of adopting detailed and meaningful EEO policies. That was the correct standard and it led to the creation of EEO statutory requirements.

Now, in 1992, we have legislation that will clearly benefit the broadcasting industry. For all the talk about consumers, the real engine behind this bill is the broadcasting industry, not surprising, since this legislation gives the broadcasters virtually everything they have ever asked for. So I think it is only fair and consistent for the House to tell the broadcasting industry the same thing it told the cable industry in 1984: "if you want the benefits of legislation, then you have an obligation to accept a meaningful EEO policy."

Mr. Speaker, there is no policy justification to maintain, much less to put into the Federal statute, this double standard on EEO. This conference report is saying it's OK for cable operators to play by one set of EEO rules and for television broadcast stations to play by a different and much weaker set of EEO obligations.

The whole reason behind the adoption of equal employment opportunity policies in the media industry is that Congress and the courts consider the participation and the employment of minorities and women in decision-making positions to be integral to the larger principle of diversity of views in electronic media. That is the public policy justification for EEO, and it has been upheld by the courts.

If we are fully committed to achieving that goal of diverse views and viewpoints in the cable industry, which by the way reaches just 60 percent of the homes in the country, then why is it that Congress is less committed, in this conference report, to those principles when they apply to the broadcast industry, which reaches every home in the country and thus has a much larger impact of the expression of viewpoints and the shaping of public opinion.

Mr. Speaker, I ask that the following letters be inserted into the RECORD. They shed some light on this important debate and about what happened in the conference committee.

NATIONAL ASSOCIATION OF  
BLACK OWNED BROADCASTERS,  
Washington, DC, September 15, 1992.

Re Cable Television Act of 1992.

Hon. ERNEST HOLLINGS,  
Senate Russell Office Building,  
Washington, DC.

Hon. DANIEL INOUE,  
Senate Hart Office Building,  
Washington, DC.

Hon. JOHN DINGELL,  
Rayburn House Office Building,  
Washington, DC.

Hon. EDWARD MARKEY,  
Rayburn House Office Building,  
Washington, DC.

GENTLEMEN: NABOB thanks you for the hard work and dedication you have shown in developing the Cable Television Act of 1992, which will be going to the floor in both chambers in the immediate future.

We have read that the President is threatening to veto the legislation. Therefore, we feel that it is important that we go on record in support of your efforts.

As you are aware, NABOB was particularly concerned with the must-carry provisions of the bill. Without must-carry rights African American owners of television stations would find it virtually impossible to compete against larger television stations and cable systems. We are pleased to see that the bill will provide must-carry rights for most African American owned television stations immediately, and should lead to the remaining African American owned television stations being carried in the near future, after the FCC completes its investigation of commercial matter carried by television stations.

This portion of the legislation is important, and we commend the conferees for including it in the bill.

We are aware, however, that the House version of the bill contained provisions concerning EEO enforcement which were more extensive than those which were adopted. We fully understand and support the reasons which led to adoption of the House EEO amendment. As African American broadcasters, we are acutely aware of the gross underrepresentation of minorities in the management ranks of the broadcast industry. Most minorities in the industry must look only to minority owned stations for an opportunity to enter the ranks of management. We, on the other hand, can rarely look to the ranks of the majority station owners to find minorities who have gained management experience which they can bring to our stations. The problem is not a lack of qualifications on the part of the minority employees, but a lack of commitment on the part of the majority station owners to promote them to management level positions.

Thus, we appreciate and agree with the ideals and objectives of the EEO amendment which was in the House bill. However, we do not agree that the bill should be rejected because all of those proposals were not carried over into the final bill.

The conference bill includes a codification of the FCC's EEO rules. Codification of the FCC's EEO rules has been a legislative objective of NABOB for many years. Up until now, aggressive enforcement of the FCC's EEO requirements has been a discretionary policy decision of the FCC. With this legislation, aggressive enforcement by the FCC will be statutorily required. This is a significant addition to the Communications Act.

Additionally, the bill imposes new EEO requirements on the cable industry. The cable industry has not been subjected to the degree of FCC enforcement in the EEO area which has been imposed on the broadcast industry. The application of new EEO require-

ments to the cable industry is another positive accomplishment of the bill.

Therefore, NABOB supports the bill's overall accomplishments in the areas of must-carry and EEO. We hope that the Senate and House will pass the bill with a large enough majority to override the threatened veto.

We thank you again for your efforts.

Sincerely,

JAMES L. WINSTON.

Re Cable legislation alert.

To: INTV members.

From: David L. Donovan.

Date: September 1, 1992.

I trust you had an enjoyable summer. The wheels of government have been churning in August, albeit slowly. Unfortunately, as a result of a deal with Senator Bob Dole and the Republicans, the Senate did not appoint members to the conference committee until the day Congress adjourned for the summer. However, the staff of the House and Senate Communications Committees met in an attempt to iron out differences between S. 12 and H.R. 4860.

At this point, there are several major issues which remain unresolved. First, there has been no formal agreement to add retransmission consent to the final bill. Frankly, I believe Chairman John Dingell is using this as a bargaining chip for other issues. Ultimately, retransmission consent will be added to the final bill.

Another point of contention is EEO. As you know H.R. 4850 added new and tougher EEO requirements. We have been working with members of the Conference Committee, especially the Senate to have these provisions deleted from the final bill. Nevertheless, I expect some EEO requirements to be included in the final bill. Our fall-back position is to simply codify the existing FCC regulations.

At this point in time the must-carry and channel positioning provisions have been non-controversial. The Senate is expected to accept the additional channel positioning option (carriage on the channel and occupied on January 1, 1993) contained in H.R. 4860.

There is a significant difference between the rate regulation provisions in S. 12 and H.R. 4850. This issue has not been resolved.

While we are not entirely sure of the exact provisions of the final conference cable bill, you should begin your lobbying efforts now! In July we sent you a list of key Senators. The cable industry has targeted the same Senators. Cable knows that these Senators hold the key to both final passage and the potential for a presidential veto. If the conference bill passes by a sufficient margin, President Bush will have a difficult time vetoing the legislation.

If your Senator appears on this list, I strongly urge you to contact his office. Tell your Senator to vote for final passage of the joint House/Senate conference cable bill. Follow up the letter with a telephone call.

We will be meeting with these Senators in the next two weeks. It would be very helpful if they already received your letters. Enclosed you will find a list of key Senators and a draft letter.

We are almost over the goal line. However, cable has launched a massive media campaign and is bringing in the heavy guns to lobby. We must counteract this effort.

Please contact me if you have any questions. Also, please send me a copy of the letters you send to the Senators.

BLACK ENTERTAINMENT TELEVISION,

Washington, DC, September 16, 1992.

HON. BILL RICHARDSON,

U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN RICHARDSON: There are several reasons to vote against the con-

ference report on S. 12, such as the must carry provision which gives broadcast stations preferential carriage over black-owned cable networks like BET. However, my primary reason for opposing this legislation is the double standard which it promotes for the treatment of minorities and women in two of our nation's leading media industries—cable and broadcasting.

The cable and broadcasting industries currently operate under two completely different EEO standards. For cable, Congress imposed statutory EEO requirements with the passage of the Cable Act in 1984. However, Congress has not extended similar statutory EEO obligations to any other media industry: the broadcasters' only specific EEO obligation to enhance the employment of women and minorities stems from Federal Communications Commission rules.

There are a number of significant differences between the cable industry's statutory EEO obligations and the broadcasters' FCC rules. For example, cable operators are required to: (1) disseminate their EEO programs to subcontractors; (2) encourage minority and female entrepreneurs to do business with cable operators; and (3) annually certify compliance with the EEO laws. The broadcasters' EEO rules do not contain any comparable provisions. Similarly, cable operators are expressly barred from discriminating against any person on the basis of age; broadcasters are not. Consequently, the Senate's position that Congress should merely codify existing FCC rules for broadcasters does not guarantee women and minorities in that industry the same opportunities for advancement and employment as the cable industry.

To accomplish the goal of promoting diversity of ownership and the expression of different voices in our nation's media, it is necessary for Congress to enact the same statutory EEO requirements for both the cable and broadcast industries. The House bill, H.R. 4860, accomplished these goals. Sadly, the conference report on S. 12 does not, since conferees agreed to weaken statutory EEO obligations for broadcasters while expanding them for cable companies. This creates an indefensible double standard and runs counter to the broadcasters' argument that they need S. 12 to "level the playing field" with cable companies.

The conference report on S. 12 undermines Congress' commitment to creating equal employment opportunities for all Americans. I urge you to repudiate the EEO language in S. 12 and to vote against the conference report.

Sincerely yours,

ROBERT L. JOHNSON,

President.

NATIONAL ASSOCIATION OF  
MINORITIES IN CABLE,

Cerritos, CA, September 16, 1992.

HON. BILL RICHARDSON: We are deeply disturbed in reference to the changes made by the House and Senate conferees to the equal employment opportunity (EEO) section of the cable bill. These changes are a step back. Meaningful EEO guidelines do work. . . .

The Conference Report S. 12 eliminates the single positive aspect of H.R. 4860 as passed by the House of Representatives in July. To literally cancel out the positive strides in EEO for the Broadcast Industry that H.R. 4860 established, and dilute The Conference Report is beyond our comprehension.

Minorities should be treated equitably, and equal opportunity in the Broadcast Industry in hiring, and promotions, and contracting serves the public interest. If EEO is good in one industry, then why isn't it good in another.

We cannot allow the Congress to enact this bill and its double standard. A strong message must be heard in the best interest of minorities, and women who have a need for professional advancement, and representation in the Broadcast Industry.

We urge you to vote no on the Conference Report on S. 12.

Sincerely,

DOUGLAS V. HOLLOWAY,

President, NAMIC Board of Directors.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, as we decide how to vote on this very important legislation, I hope we do so with one basic fact in mind, and that is what has happened to cable rates in this country over the last 5 to 6 years. As Members have heard here today, cable rates in this country have been increasing at three times the rate of inflation.

The question before us today, my friends, is are we prepared to do something about that, yes or no.

Is this legislation perfect? No, it is not, and there are some provisions in it that this gentleman does not particularly care for. But I will say this, I think we have a fundamental obligation to try and slow down the rate of increase in cable rates across this country, and this legislation will do that.

And I have to tell Members that I categorically reject the claims of the cable television industry that our constituents are being exposed to on commercials all across this country. Those commercials would lead our constituents to believe that with the passage of this legislation their rates are going up dramatically. That is absolutely wrong. The fact is that rates are going to probably go up a little bit with or without this legislation. The question is how much are they going to go up, and I contend they are going to go up much less with the passage of this legislation.

And for those who may be worried about the regulatory burden that we are going to place on small businesses, those small businesses in this country that own small cable systems, keep in mind we have an exemption in this legislation for systems with 1,000 subscribers or less. And that will significantly reduce the regulatory burden on those small systems all across the country.

Last of all, every Member of this body that cares as I do about the future of rural America should be supporting this legislation, and supporting it enthusiastically. This legislation requires the vertically integrated monopolies in this country, the cable television operations, to market their programming to other individual businesses like satellite owners. Without this legislation, my friends, those constituents of ours, those Americans who live in areas that do not have cable television are not going to have access to the programming that people have in the urban areas of this country that do have cable service. So my friends, if

you care about rural America, if you care about competition, if you care about keeping consumer costs down in this country, support this conference committee report enthusiastically.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. RITTER), a member of the Committee on Energy and Commerce.

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

□ 1030

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

When last we debated this legislation, I cautioned my colleagues that, in our zeal to reregulate the cable industry, we should be careful not to lose the opportunity to pass meaningful and lasting cable legislation that would both protect consumers and preserve the record of growth and innovation which the cable industry had forged since 1964.

I stand before my colleagues today to report that we have squandered our opportunity. And it is our constituents who will pay the price for our failure.

Once again, the Congress has chosen the heavy hand of regulation over true competition. It is true that this bill expresses the preference for competition and that is good. But the substance behind the claim is much more illusory than real.

For instance, the conference committee could have provided for quick competition by allowing phone companies to provide competitive cable service in rural areas with populations under 10,000. That proposal was defeated.

This bill is a vortex of unintended consequences, the most significant of which, of course, is an increase in basic cable rates. There have been claims and controversies on this issue. There have been massive ad campaigns. Many of our constituents simply do not know what to believe. And once again, our constituents are absolutely right.

No one who takes a good hard look at this bill knows what to believe—because no one knows just how this legislation will affect rates or service. Rates will go up.

Even the proponents of the bill, as quoted in *Broadcasting* magazine, say that the cable industry may be right when it says the rates will go up. Mr. MARKEY was quoted in the *New York Times* as saying that consumer rates will go up under this bill. Some studies say that the rates will go as high as \$3 billion.

The regulatory burden of this bill is a nightmare. Eighteen rulemakings in 180 days. A cost to Federal and local governments of \$100 to \$300 million over 5 years, which will be passed on to the taxpayers and the cable subscribers. There will be other expenses, like fees for the attorneys who will argue the cable rate cases—and more litigation is the last thing we need in this country.

The Lehigh Valley is one of the few areas in the Nation that today has competitive cable service, even as it is denied under this act.

And it is precisely because the Lehigh Valley has competitive cable that it is important to this debate. For it is a minilaboratory of what is to come for the rest of the country should the avowed goal of this bill—cable competition—ever come to pass.

Under this legislation, a cable system is no longer subject to rate regulation once it is subject to effective competition. Presumably, at that point, rates are set by market forces and that is generally good.

But this bill now contains the so-called retransmission consent provision, which would require a cable operator to pay a broadcaster who had opted out of must carry for the right to retransmit the television station's signal.

I don't care how you cut it, this is an extra cost which, when paid by the cable system, will be passed on to the consumer through a higher rate.

But this is only one marketplace result. A cable company could elect not to pay the retransmission consent and not carry the station's signal. Or one cable company might start a bidding war with its competitor for the exclusive right to retransmit the station's signal, either because it wants the signal for itself or because it simply wants its competitor to pay a ruinous price for it.

In the first instance, there is a diminution of service; in the second, rates may go even higher as the result of a bidding war. Neither result benefits the consumer. And so, through an act of Congress, free television will no longer be free simply because a subscriber chooses to view it over the local cable system. Explain that one to your constituents.

So rates will go up because of payments to broadcasters, and rates will also go up because the buy-through provisions require additional equipment so that different levels of service can be provided. These costs will be passed on to the consumer, and in the Lehigh Valley, the consumer will suffer.

And so, in conclusion, I repeat those questions which I posed to you back in July: In the last analysis, what benefit would the consumer receive from this bill? Lower rates? Emphatically, I say no.

The consumer will experience higher rates and the thing that will gail him or her the most is that they will have received no value for their money. They will not have received new programming. They will not have received new or better services.

They will, however, have received the protection of a new and unseen bureaucracy which they never sought and which they do not need.

I supported reregulation of the industry through the Lent substitute because I believed it protected consumers

and promoted competition in the cable market. This bill, I fear, does neither for the cable subscribers of the Lehigh Valley and I urge my colleagues to reject the conference report.

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

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. HARRIS).

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

Mr. HARRIS. Mr. Speaker, I am here to express my strong support for the conference report on S. 12. I believe that this conference is an even better product than even the House or Senate bills. It answers all of the complaints I have received from my constituents over the past 8 years of deregulation.

This bill contains adequate rate regulation of the basic tier of service; it provides a means to rein in renegade cable operators from charging excessive rates in the upper tiers of cable service; it guarantees an acceptable level of customer service; it prevents cable operators from making consumers pay a hundred times over for remote control channel changers and other equipment; and provides incentives for cable operators to upgrade their systems. The bottom line is it ensures that the cable programming that viewers want to watch will be available at reasonable prices.

I believe that most of you will agree with me that genuine competition in the marketplace is always preferable to regulation. Regulation of cable rates will never adequately substitute for it. For that reason, I am particularly pleased that this conference report contains the program access language that our colleague BILLY TAUZIN worked so hard to make possible. The program access provisions of this bill prohibits cable programmers from discriminating in price, terms, and conditions in offering their programming to other multivideo providers. In other words, meaningful program access promotes competition in the video marketplace so that television viewers will have the opportunity to choose among competing cable companies, wireless cable providers, C-band satellite, direct broadcast satellite, and any other new program distribution technology. Rural Americans will soon be able to fully participate in the information age and not at grossly inflated prices.

Finally, I would like to address the campaign of disinformation that the cable industry has embarked on about retransmission consent. Retransmission consent is not a surcharge on cable ratepayers as the industry claims. Instead it merely gives local, and I emphasize, local broadcasters the right to negotiate in good faith for their sole product—their broadcast signal. This is a basic right that local broadcasters have been denied since cable was in its infancy and nothing more than an antenna service. Well, cable is now a \$21 billion industry

which creates and owns much of the programming which goes out over its wires. It no longer deserves the subsidy which local broadcasters have been providing it and local broadcasters can no longer afford it. If this inequity is not corrected soon, local broadcasters may be forced to cut back further on locally originated programming in news, weather, public affairs, and service—that is certainly not in the best interest of our communities.

Despite the deceptive mailing your constituents may have received or the misleading ads they may have seen, this bill does exactly as its title claims. It protects the viewing public from cable rate hikes and promotes competition in the multivideo marketplace. Support S. 12 and take home a cable bill that groups like the AARP, the Rural Electric Cooperatives, the Consumer Federation of America, and the AFL-CIO have endorsed.

Vote "yes."

Mr. LENT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FIELDS], a member of the Committee on Energy and Commerce.

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

Mr. FIELDS. Mr. Speaker, we have heard a lot of emotionally charged rhetoric about the cable legislation we will vote on today. And while compelling arguments will be made as to whether the bill will or will not lead to lower rates for cable customers, I would like to spend the brief time I have addressing the gross misrepresentation that is being made by opponents of S. 12 on the issue of retransmission consent.

In all my years of serving in Congress, I have never, ever seen such a calculated and deliberate effort to distort any single issue. I deeply regret that opponents of this cable bill are so desperate that they have taken the most competitive, proconsumer provision in the bill and used it as the scapegoat for killing this legislation.

Often times, when we debate legislation in the House the facts get distorted and we confuse rhetoric with reality. Let me underscore the facts on the issue of retransmission consent.

First, retransmission consent will not drive up rates. Nothing in the legislation requires the cable company to pay the local broadcaster. The bill simply requires that the cable operator negotiate with the broadcaster on the terms and conditions of carrying the broadcaster's signal. Under this scenario, many broadcasters will negotiate for an additional channel to program A 24-hour news, sports, or weather service. Retransmission consent does not force the cable operator to pay the broadcaster for use of his signal. Further, under the legislation, the FCC is directed to ensure that retransmission consent will not have a significant impact on rates. And finally, what is probably most offensive about cable's charge that

retransmission consent will effect rates is the fact that cable currently only pays about \$3 a month for its programs, but charges the cable customer \$20 month—and they claim that they won't be able to absorb the additional costs of retransmission consent.

Second, retransmission consent has absolutely nothing to do with copyright law. This legislation is designed to recognize the value of the broadcaster's signal. Hollywood program producers are already fully compensated when they sell their programs to broadcasters. Hollywood and the Judiciary Committee have no legitimate place in this debate. Ironically, they have tried to kill retransmission consent at every turn, yet they have been unsuccessful in their efforts to win approval for their own measure. They even turned down the opportunity to participate in the cable conference. In my opinion, their arguments are shallow and totally unfounded.

Finally, retransmission consent is a marketplace, procompetitive approach to the competitive imbalances which exist today between the local broadcaster and the local cable operator. If we fail to address this issue, then we may very well see the demise of the only real competitor the cable operator has today, the local broadcaster. If this happens, then those who cannot not afford cable—the poor, the elderly, and the unemployed—will be denied a viewing alternative. Simply put, without enacting some kind of corrective measure, we risk having a two-tier society of information haves and have nots.

Mr. Speaker, I hope my colleagues won't be swayed by the crocodile tears of those who oppose retransmission consent. Enactment of retransmission consent is essential if we are to ensure the future of free, quality, community-based television programming.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. COOPER].

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

Mr. COOPER. Mr. Speaker, the consequences of this debate for the C-SPAN audience are enormous as well as for other cable programming that we enjoy watching. The consequences are also enormous if you have a satellite dish, because in the 97 percent of American TV markets which have no competition, basic cable rates are about \$30, but in the 3 percent of American cable markets which do have competition, where if you do not like cable company A, you can pick cable company B, guess what, rates are more likely to be in the \$10 a month range.

If you aggregate the savings we could achieve nationwide, the Wall Street Journal and the Consumer Federation of America estimate we could be saving as much as \$6 billion a year of our taxpayers' money, of our consumers' money, of the money of the folks back home, if we do this right.

Now, I will have to admit this conference report is good, but it is not a perfect measure. I would like to see it go farther. I am for cable telco entry. I think that we need telephone companies in the cable TV business, and I think we need cable companies in the telephone business, but this before you is a great bill that we should still support. It will offer our consumers relief, much-needed relief, long-overdue relief.

There is another issue at stake in this debate today, and that is the integrity of this body. We have witnessed one of the most unscrupulous lobbying campaigns of modern times. Every cable customer has gotten a misleading flier, and there have been countless cable ads that are terribly misleading. We need to stand up for the truth in this body. We need to stand up for competition. We need to stand up for the conference report.

I would urge my colleagues on the Republican side of the aisle to follow the lead of the gentleman from Illinois [Mr. MICHEL] and the gentleman from New Jersey [Mr. RONALDO], follow their lead, and on the Democratic side, follow the lead of the chairman, the gentleman from Massachusetts [Mr. MARKEY], and the chairman, the gentleman from Michigan [Mr. DINGELL].

This is legislation we need to pass today.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY], a member of the committee.

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

Mr. OXLEY. Mr. Speaker, I stand in opposition to this legislation as I have been consistently through the process.

This bill is about two things: Politics and money. The politics are quite obvious as to what we are trying to do or what the proponents are trying to accomplish here. But the deep, hidden secret behind this whole thing is a thing called retransmission consent, something that the House did not have a chance to work its will on. It was inserted back into the conference committee.

Hardly anybody other than my friend, the gentleman from Texas, who spoke immediately before me, hardly anybody said that this is actually going to save money. The chairman of the subcommittee in testimony before the Committee on Rules, the chairman of the full committee, in testimony before the Committee on Rules, said, yes, retransmission consent is going to cost money. We are not sure how much, but it is going to cost money. The argument is not about whether we are going to save the consumer any money or not. The question is how much higher the rates are going to go because of retransmission consent.

□ 1040

Why do you think Hollywood is so interested? They can smell the money; they know how much money is going

to be raised by this. So they come in and lobby against the bill because they understand exactly what this means. It essentially means that my consumer constituent who has cable is going to have his pocket picked to make certain that CBS does not lose too much money on some of the terrible business decisions they made, like major league baseball, for \$1 billion, so they can pay banjo-hitting shortshops half a million dollars a year to sit on the bench. That is essentially what it is all about. It is about money.

I for one think it is impossible to try to explain, for the proponents, to go back to their constituents and say, "Hey, we saved you a lot of money," when in fact it is just quite the opposite.

Make no mistake about it, Mr. Speaker, the President of the United States, in a letter that was dated today, sent to all Members of Congress, made it very clear that he will veto this legislation. He talks about his vision for the future, which includes competition. Competition is the answer.

I would suggest, when we come back here next session after this bill is vetoed and we sustain that veto, that we get with it and talk about a competitive mode, that we take away the cable-telco crossownership ban and really get at competition instead of overregulation, which is what we have got in this particular piece of legislation.

So I urge the defeat of the conference report and a vision in the future, next session, to look at the competitive mode, the Oxley-Boucher bill, as a starter. I think that we can save the consumer money and at the same time provide competition in this industry.

Mr. MARKEY. Mr. Speaker, I yield myself 30 seconds at this point just to remind the House that the legislation we are dealing with right now is the Senator from Missouri, JACK DANFORTH's, a Republican, his legislation. This is not a bill which is a Democrat or a Republican bill, this is a bipartisan piece of legislation produced in the House and the Senate. The Senate, Senator DANFORTH working with Senator HOLLINGS and Senator INOUYE, put it together; on our side, Mr. DWIGELL and I with Mr. RINALDO, working with many other minority Members, put it together. It is a bipartisan piece of legislation, not Democrat or Republican.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of this legislation which includes many of the important consumer protection provisions in H.R. 4850, the House version of the cable bill which passed in July.

In spite of what the cable industry has proclaimed, this legislation could lead to greater competition in an in-

dustry that has had a virtual monopoly and lower cable rates. Since 1967, cable rates have skyrocketed and the industry has been without monitoring by a public body.

In July, I was successful in getting strong equal employment opportunity language in H.R. 4850, the House cable bill which could lead to increased opportunities for minorities and women. This bill does exactly that. This conference report also has minority programming provisions that will increase access for qualified minority programming services.

I am, however, deeply disappointed that the conference report does not include the strong equal employment opportunity rules that were approved for cable television for broadcast television. Anyone who feels as I do would have to consider this a mistake.

Some would have you believe this bill does not go far enough to remedy the underrepresentation of minorities and women in the mass media, but I am confident that this bill will assure improved equal employment opportunities in both the cable and broadcast television industries, and definitely leaves the door open so that in the near future we will get EEO requirements to cover broadcast television.

As the National Association of Black-Owned Broadcasters said in a recent letter:

We appreciate and agree with the ideals and objectives of the EEO amendment which was in the House bill. However, we do not agree that the bill should be rejected because all of those proposals were not carried over into the final bill.

This bill expands from 9 to 15 the job categories for which employee information is required—corporate officers, general manager, chief technician, comptroller, general sales manager, and production manager. These are all top management positions.

The FCC will be mandated to prescribe the methods by which entities are required to compute and report the number of minorities and women in these job categories.

Further, the report codifies the FCC-EEO rules for the first time. That is a good step forward. I, for one, will continue to fight to have stronger EEO regulations extended to the broadcast industry. The bill will create an FCC Mass Media Bureau program of mid-license term review of television broadcast stations' work force employment profiles.

The FCC will compare the station's work force data with its area labor force but for those who see quotas behind every EEO effort, they should understand that this procedure is not intended in any way to establish a hiring quota.

I realize there are those who would have you believe this is not a strong bill and doesn't go far enough to remedy the underrepresentation of minorities and women in the mass media, but I am confident that this bill will assure that equal employment opportunities

are afforded by cable television and will lead to improvements in broadcast television.

Mr. Speaker, I urge my colleagues to support this conference report.

Mr. LENT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], a member of the committee.

Mr. UPTON. I thank the gentleman.

Mr. Speaker, this bill is not perfect, but it does a whole number of things, which will cap rates, which have gone up three times higher than inflation since 1967. People are sick and tired of rate increases. This bill will allow people to pay for what they watch. And what is wrong with that? My household watches C-SPAN, ESPN, CNN, WGN, and a bunch of other local stations. Why should households that watch other stations pay for what I watch? And vice versa. It is sort of like when you go to the grocery store to get only skim milk, you do not buy every single dairy product on the shelf—eggs, whole milk, half-and-half, margarine. No. If you did, you would go broke.

That is what the consumer is mad about. And that is why virtually every consumer group in the country is in favor of this bill.

Mr. Speaker, I urge my colleagues to do something about cable rates. I urge my colleagues to vote for this bill.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I support this conference report.

Years ago State and local governments gave away cable franchises creating government-sanctioned regional monopolies and making millionaires out of cable franchise owners.

Then Congress decided, in 1964, to deregulate those regional monopolies, making cable franchise owners multimillionaires. They were able to become multimillionaires because they have no competition and no regulation. Unchecked, prices went up significantly. And they will keep going up unless we do something about it.

This bill will do something about it. It will encourage competition and provide for modest regulation. Now, wireless multichannel TV and satellite multichannel TV will have access to the same programs cable companies have access to so they can compete with cable on an equal basis.

Republicans want competition; this bill does it. But it also will provide some regulation to make sure in the shortrun prices do not go up too much more.

I salute the committee on the work it has done and I urge my colleagues to vote for this bill.

The SPEAKER pro tempore (Mr. LUKEN). The gentleman from Massachusetts [Mr. MARKEY] has 17 minutes remaining, and the gentleman from New York [Mr. LENT] has 14 minutes remaining.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAEFER).

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

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

Mr. Speaker, I yield briefly to the gentleman from Virginia.

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

Mr. BLILEY. Mr. Speaker, I rise in opposition to the conference report.

Mr. Speaker, many of the same people were here with me 8 years ago when we deregulated the cable industry. We deregulated it because most local franchising authorities had placed rates at such an unbearably low level that it was impossible for the industry to invest in upgraded equipment and technology and to improve its programming.

We deregulated the industry because the American consumer wanted more. So we crafted legislation that freed the industry to invest and the result has been 8 years of rapid growth in programming choices and a tremendous increase in the number of living rooms in which cable television is now available across the country.

Yet as these opportunities increased, we began to start hearing from our constituents about spotty service and rapidly rising rates in the cable industry. Many of us are cable subscribers and have witnessed these rising rates ourselves. But as we consider this bill today, I urge my colleagues to keep in mind that where these rates have risen, there has been a direct reflection in the quality and variety of programming we, the consumer, have been able to receive in our living rooms.

Since the 1987 effective date of the deregulation of cable, the General Accounting Office has conducted three studies on cable rates and services. These studies found that the price of basic service has increased, but has done so hand in hand with a similar increase in the number and variety of programming choices available to the consumer. GAO found that the average price per basic channel increased from 44 cents in 1986 to 53 cents by 1991. This 20-percent increase may seem surprising at first glance, yet becomes less startling when one finds that the Consumer Price Index, during the same period, increased 22.5 percent. Further, the GAO report seems to indicate that the catch-up period following deregulation seems to have come to a halt. In 1990, the average cable consumer's bill rose 4.2 percent while inflation during 1990 rose almost 2 percentage points more; by 6.1 percent.

While cable rates have been rising, however, cable programming has improved significantly. We can all agree that the quality, creativity, and diversity of cable programming has improved dramatically. In 1984, for example, cable programmers spent about \$300 million in basic cable programming; today that figure is over \$1 billion and has led to the availability and quality of such networks like Discovery Channel, Nickelodeon, ESPN, CNN, and Black Entertainment Television, to name only a few. This is a direct result of one of the central features of the Cable Communications Policy Act put in place in 1984: rate deregulation.

There are those here today who will make the argument that the rising cable prices and spotty customer service are a result of the monopolistic situation in which the industry finds itself. There are those who will also state that the solution to this monopolistic situation is not through more needless regulation. I certainly agree.

The legislation before us today would only work to stifle the creativity and diversity that have come with deregulation. We would be unwise to saddle the industry at this point with more needless regulation, unprecedented restrictions in the sale of their products and the use of their technology. I ask my colleagues to consider that the issues which led us to deregulate cable in the first place are still relevant today. For these reasons, I urge my colleagues to keep these thoughts in mind as we consider this legislation.

Mr. SCHAEFER. Mr. Speaker, I rise in strong opposition to the conference report, and in doing so I take great relief from the fact that I need not defend it, if enacted.

We are talking about an industry that has only been deregulated for 5 years, and now we are talking about an industry that we have to come back and reregulate again. I think it would be extremely difficult to explain to our constituents our higher cable rates resulted from a bill promising to lower them. Or why legislation intended to benefit cable consumers actually led to fewer programming choices. And why a measure with competition in its title did little or nothing to bring it about.

Thankfully, by voting against this conference report, I will not have to face these questions in the future.

Instead, opponents of this legislation can speak of lost opportunities where consensus was sacrificed for political gain. How we knew all along that the regulatory overkill and Government micromanagement put forth by this bill would indeed stifle investment and plant operations and equipment improvements.

□ 1050

In that we were right in arguing that not only competition could bring about the promises made by the conference report, but lower cable rates and a vibrant video marketplace. It was not too long ago that this body remembers we passed what was called the catastrophic health care bill. I was proud to have voted against it.

What happened? We came around and repealed it shortly after because the American people rose up against it.

I predict that is what is going to happen if this particular piece of legislation passes.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the committee chairman for yielding me this time.

Mr. Speaker, Reaganomics has failed. The deregulation of the television industry has failed. And the time is now to protect our consumers against a cable TV industry which has raised its

rates nationally by 61 percent in the last 5 years—three times as high as inflation.

Mr. Speaker, in my own State of Vermont, cable rates since 1983 have gone up by 58 percent in Bennington, 123 percent in Montpelier, and 110 percent in St. Johnsbury, among other towns. This is not a perfect bill, but it finally tells the cable TV monopolies that they cannot simply raise their rates to any level they wish.

When consumers deal with a monopoly, and have no choice with regard to competition from another company, it is appropriate and it is right for the Government to regulate cable TV rates, channel tiers, and equipment fees—and that is what this bill does.

Mr. Speaker, the cable TV industry has been running an extremely dishonest ad campaign in opposition to this bill. They are using bogus figures in order to defeat it. Understandably, they want to be left alone so that they can continue to raise their rates as high as they want, no matter what impact this has on the consumer.

Tragically, President Bush is once again defending the big money interests and is threatening to veto this bill, which has the support of every major consumer organization, the largest senior citizens' organizations, and the U.S. Conference of Mayors, among many other groups.

Mr. Speaker, we were sent down here to represent ordinary Americans and not the big money interests. Let us pass this conference report, and override the veto when it comes.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HUGHES), the distinguished second ranking member of the Committee on the Judiciary.

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

Mr. HUGHES. Mr. Speaker, first let me thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I rise in strong opposition to this bill.

My colleague, the gentleman from Massachusetts (Mr. MARKEY), I thought, did a good job overall. I had some problems with the bill when it left the House, but I voted for it because the cable industry has enjoyed a monopoly. They have exercised that monopoly power. The service has been arrogant, and we need to regulate. There is no question about that.

But what happened in conference was the bill was bushwhacked by the broadcasters, broadcasters who see the pot of gold at the end of the rainbow.

Retransmission consent, my colleagues, if you vote for this, is going to come back to bite you, because it is going to cost consumers billions and billions of dollars.

The President of CBS, Larry Tisch, acknowledges it might be \$1 billion. He does not think it is going to be \$3 billion.

Let me tell you, friends, we do not know. Nobody can tell you what it is going to cost.

Retransmission consent basically says this: The broadcasters will be able to demand from the cable systems whatever they feel the market will bear for somebody else's product. We do not buy a signal. We buy a program. That is what we buy when we turn on the television set. We look at a program or programs.

The copyright owners are left out of the equation. What we have in this bill is the right of the broadcasters to demand whatever they want to demand for their signal, but we are going to continue to regulate the cable industry under compulsory license. That means what we are going to have is not a free marketplace. We are going to have a regulated marketplace for some, for the cable systems, but we are going to have a deregulated system for the broadcasters. It is going to cost us billions and billions of dollars, and it is unbalanced.

We did not work our will in conference on the copyright issues that would have given this balance, and that is unfortunate. You cannot fix the problems without doing that. It is going to cost us domestically.

It is going to cost us internationally because we are net exporters of film and everything else, signals, movies. What we are saying to the international community is that really what the broadcasters are selling, our programs, are not worth anything really in the international marketplace.

I urge you to vote against the conference report.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding me this time. I salute him and the gentleman from Michigan on a job very well done.

Let me say, Mr. Speaker, I support this bill because it gives cities like Louisville and Jefferson County a chance to reregulate and to reintroduce themselves into the ratemaking functions for cable activities.

I also support the bill because it spurs competition. No longer can the local authority give out an exclusive franchise to a cable operator. There is cable programming access provided by the Tauzin amendment. There is the possibility, later of letting telephone companies get into the cable operations, delivering a cable signal over phone lines.

This bill also sets a minimum standard of consumer service and customer protection. How often do we hear from people who cannot get their telephones answered or the billing procedure described.

I am not happy with the retransmission provision, but there is a 1-year transition period before the full effects of that will be noted.

I just do not think it is rational or responsible to drop overboard this ex-

cellent piece of consumer protection legislation because we happen not to agree with one provision. Let us revisit that provision. Let us make all the changes we need in retransmission consent, but let us not kill this bill today. It is too important.

Mr. Speaker, I hope that this House supports S. 12 by a very, very wide and large margin.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], a distinguished member of the committee.

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

Mr. BARTON of Texas. Mr. Speaker, let us tell the whole truth about this bill. Much has been made of the fact that rates have gone up since cable has been deregulated, and that is a true statement; but let us tell the rest of the story. The rest of the story is that the average number of channels per cable system has gone from 6 to 35. That is a 600-percent increase.

The average basic service rate, basic tier one service rate for cable today is \$18.84 a month. That is not a cable number. That is a GAO study report. We have gone from six channels to 35 and the average tier one basic service rate is \$18.84 a month.

People want to get more than that, so they then subscribe to HBO, Cinemax, maybe an all-sports channel or whatever. That is a discretionary decision on their part. That is not something they have to do.

Rates are not going to go down under this bill. The proponents of the bill do not say rates are going to go down, because they know they are not. Rates are going to go up.

According to a story in the Washington Times yesterday, at a minimum rates are going to go up somewhere between \$2.50 a month to \$6.48 a month.

This is an entertainment medium. This is not a public necessity. As the Wall Street Journal pointed out this morning in an editorial, we do not regulate the price of Redskin football tickets. We do not regulate the price of Broadway plays. We do not regulate the price of a movie ticket at your local theater.

Under existing FCC regulations, if you are in a market that has less than six over-the-air television stations, your cable system is subject to rate regulation today.

If the local franchise authority feels that those rates being charged are unfair, why is not the FCC being besieged with petitions to regulate? Because in point of fact the rates are not unfair. The quality of service has gone up, the quantity of service has gone up, and people are basically happy.

Mr. Speaker, vote no on this bill.

□ 1100

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

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

Mr. AUCOIN. Mr. Speaker, there is no stronger endorsement of this pro-consumer bill than the millions of dollars cable monopolies have spent to try to defeat it. Their slick ad campaign, my colleagues, complete with scare tactics, has played fast and loose with the facts and with the truth. Consumers are not buying those scare tactics, and neither should this House. Since 1986, price gouging cable monopolies have hiked their rates more than twice the rate of the national inflation, and that is only the national average. For some Oregonians increases have surpassed 130 percent. If someone on that side wants to say consumers are happy with that, they ought to come out and talk to the people in Salem, OR, where that regulation has occurred.

Mr. Speaker, cable deregulation is a snapshot of the Reagan-Bush economic debacle. The big cable companies are cash cows, and consumers are the goat. It is time we dump those policies. It is time we voted yes on this conference report and gave consumers real protection against price gouging monopolies.

Vote yes on this conference report.

Mr. MARKEY. Mr. Speaker, I yield one-half minute to the gentleman from Minnesota [Mr. SIKORSKI].

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

Mr. SIKORSKI. Mr. Speaker, I thank the gentleman for yielding the time.

I rise in support of the conference bill and to recognize the conferees for their diligent efforts. I am particularly pleased with section 19, the program access provision, that increases the availability of programming to all multichannel video program distributors, while providing to them no lesser rights to exclusivity than are afforded cable operators with regard to the programming covered under that section.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. TAUZIN. Mr. Speaker, I want to speak first to the conservatives in this body, particularly my friends on the Republican side who, in a large majority, voted for this bill when it left the House. There are two things that happened to it in conference committee neither one of which ought to trouble them.

The first thing that happened to it was that the conference committee adopted the precompetition features that we won after a good fight on this House floor, the Tauzin amendment. It is now part of this conference report.

The second thing that happened in the conference committee, too, is that some of the regulatory features of the House bill were changed so that the bill is less regulatory, more competitive, than when the bill left the House.

So I say to my colleagues, "Those of you who are conservative and believe in competitive market forces rather than regulation, whether you're a conservative Democrat or Republican, this is a good bipartisan improvement of the bill since it left the House."

Second, the conference committee adopted this thing called retransmission consent. Now for those out there in the audience who believe that consumers in a fair marketplace ought to have a say-so about what they see, and how they see it, and when they see it, I want them to think about the net effect of this retransmission consent provision. What it says, in effect, is not that the cable companies are all of a sudden going to start charging for broadcast programs. They are already doing that. They are currently taking the broadcast signal from the local broadcaster who is going out into the marketplace and bidding to cover sporting events, for example, and they are taking those signals, putting them on that cable and reselling them to us. In effect we are paying for them twice. We are paying for them commercially in the products that we buy; that is, the commercially sponsored broadcast programs. We are paying for it again when cable charges us a basic cable rate. But without this provision in the bill called retransmission consent we are paying for those programs, but cable keeps all the money. It does not share any of that money with the broadcasters.

Now my colleagues say, "Well, why has that been allowed?" That has been allowed because broadcasters wanted to be on that cable. They were willing to put that signal for free on that cable because they need to be on that cable. That does not change. They still need to be on the cable.

But the question should be not whether we are going to pay for the programs, but who gets the money and who pays for it. If we do not change the law soon, as the conference committee has recommended we change it, the money stays with the cable company. What does it do with that money? It goes out into the marketplace and bids against the broadcaster for the same sports that we have enjoyed on basic cable for all this while that we have enjoyed on the network signal. They take that sports programming and bring it back to the cable, and guess what? They elevate it to pay per view. So, we not only pay for it once and twice, we are now paying for it three times.

Mr. Speaker, I suggest to my colleagues both of these changes: less regulation, more competition, and this fairer treatment for these broadcast signals are in the interest of consumers in a good marketplace.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. ECKART].

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

Mr. ECKART. Mr. Speaker and my colleagues, there has been a lot of anger expressed at cable TV today on this floor. I do not think we should be angry. After all, they are a monopoly, and what they are doing is the American way. They are doing what monopolies do. They are gouging their customers. They are digging deep into their subscribers' pockets, and their political tactics reflect the political tactics of monopolies. They do not want a change because a change for them means more competition and less profits.

One of my colleagues said a few moments ago, "This is about money. Why can't we really just pass a modest bill?"

Let's just expose that fallacy for what it is.

Let me remind my colleagues that in 1990, on a voice vote coming from this Chamber on the Suspension Calendar, we passed a modest cable bill. It was agreed to here by the cable industry, and then it went to the Senate, and the cable companies killed it. We tried a modest bill, and cable said, "No."

We have tried a vigorous bill. Cable still says no because the monopolists want to continue to line their pockets.

This debate is Orwellian. Up is down, peace is war, and the fact of the matter is that what we stand for is local broadcasters having the right to control their programming, local government having a say in the contracts in which they participate and the opportunity for subscribers to have a say in something for them that has become a necessity.

Now this bipartisan bill, organized in the Senate by Mr. DANFORTH, and supported by the gentleman from New Jersey [Mr. RINALDO], the gentleman from Michigan [Mr. UPTON], the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Texas [Mr. FIELDS] who spoke very eloquently about retransmission consent, really is about a bipartisan effort to address the real problems that customers and consumers face. It is about an effort to say that this Congress is not out of touch, that this Congress is not in the pocket of the special interests, that this Congress has heard the cries of consumers all across America and is willing to stand up and be counted.

As my colleagues know, Time Warner, one of the big cable giants, really does not want this bill to be passed. They make a lot of money from their cop-killer lyrics, and they will make more money off of their bill-killer tactics. If this Congress caves in to the monopolists, if this Congress caves in to those who seek to deprive real opportunity for local government and local broadcasters to have their say about the kinds of entertainment and information that goes into their communities, then it is a shame on this House.

Mr. Speaker, I think the bipartisan effort that we have assembled here is truly based upon the recommendations of a wide variety of individuals that

will continue rural opportunities, that will create real competition, will tell the folks that this Congress has heard its wakeup call, this Congress respects the people, this Congress stands for competition.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland [Mr. McMILLEN].

(Mr. McMILLEN of Maryland asked and was given permission to revise and extend his remarks.)

□ 1110

Mr. McMILLEN of Maryland. Mr. Speaker, I rise in support of S. 12, the cable conference report, and commend both Chairman MARKEY and Chairman DINGELL for their efforts on this legislation.

Let us be clear, the bill we pass today provides protection for cable consumers. The bill also gives greater power to regulatory authorities to ensure that service is responsive and prices reasonable.

While I have strong concerns over any increased regulation, the bill only regulates the cable operator in the absence of effective competition.

As a New York Times editorial mentioned earlier this year:

Until the day that customers can pick and choose among multi-channel providers, re-regulation is needed.

I would briefly like to comment on two provisions which were adopted as amendments in committee and which are in this bill.

The first amendment increases the amount of educational programming offered by cable companies. It allows cable operators to substitute high-quality educational programming for unused channels currently set aside for public or leased access.

Many of these access channels currently are underutilized. The provision in the conference report will ensure that there is sufficient access for educational programming, while at the same time alleviating the problem of wasted channel space.

Television has been described as a wasteland. To offset this trend, it is important that positive, educational programming is available to everyone and be as accessible as possible.

The second amendment calls for a study to review the migration of sporting events from over the air to pay TV. The amendment requires the FCC to study the migration of programming, taking into consideration the economic and social consequences of this movement. The study will determine the effect of pay-per-view sports programming on the consumer as well as the various sports organizations. This study is an important first step toward assuring the accessibility of televised sports—especially local sports on broadcast stations.

Again, I commend both the chairman of the full committee and the chairman of the subcommittee for all their efforts in developing this legislation.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. BLILEY], a member of the committee.

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

Mr. BLILEY. Mr. Speaker, the supporters of this legislation say that this legislation is needed to bring reasonable cable subscription rates and better service to the consumer. Now I am all for that goal. In fact, I strongly supported a bill that would have done that by establishing a system in which abuses in the cable industry could be corrected. Unfortunately the first time around the House passed a bill that was too heavy-handed that would actually have raised cable rates and stifled innovation and creativity. But if you think the first attempt is bad, this conference report is worse. If the first bill was petty theft; this bill is tantamount to a carjacking.

This conference report has the distinction of choosing the most extreme measures from both the House and Senate bill. What we have before us is a regulatory Christmas tree that has been trimmed with countless number of unnecessary items. The result—higher prices, less innovation, less creativity. And the kicker in the conference report is the direct tax on cable subscribers to help prop-up the broadcasters. Retransmission consent is nothing but a transfer of wealth from the poor cable subscriber to the Larry Tisch's of the world. Ladies and gentlemen, the supporters of this bill are talking about regulation, equity and the public good. But as Senator Russel Long once said: "It doesn't matter what they are talking about, they are talking about money." This is not a cable subscriber protection bill—this is about taking money from the consumer and giving it to the broadcasters.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am voting for the conference report on regulation of cable television today because I agree that something must be done to stop some unwarranted rate increases that have occurred in some parts of this country.

I have also supported and will continue to support the program access provisions of this legislation which will help customers in rural America who rely on satellite dishes for their programming to get that programming at nondiscriminatory costs.

However, even though I am voting for the bill, I do have some concerns about how the bill will treat cable operators in the smaller markets, and especially in rural States. Many of these cable operators have not abused their market positions, they have not increased rates above inflation, and they have de-

livered quality services to their customers.

Some of the regulations that might make perfect sense for urban areas where you have large cable operations may not be fair to a rural cable system, and I want to be sure that we are not going to impose an undue regulatory burden upon these smaller systems.

I am concerned about provisions in the legislation that will get down to the detail of even prescribing certain office hours for cable systems. I don't think that makes much sense for the smaller system where there's never been a problem in those areas.

Also, unlike the House bill that we passed, this conference report allows cable subscribers to challenge rates. That might be acceptable for large cable systems with larger budgets and staffs, and they might easily be able to absorb the time and money needed to defend themselves from those challenges, but I don't think that's the case with the smalltown cable providers.

I'd like some assurances that these smaller cable providers, whose rates have not risen in any unreasonable way during recent years, will not have to spend most of their time justifying their rates through costly and expensive processes.

In the area of regulatory burden, there is one independent cable operator in North Dakota who serves 9,000 subscribers in 8 different communities. In one community, for example, he has told me he has only 34 subscribers. The question is, Under the customer service standards in this legislation, will this cable operator be forced to open a service office with hours, staff, telephones, and other facilities in the community in which he has only 34 subscribers, even though it would not be economically feasible for him to do so? One would expect the regulations not to include that, but when Federal regulators get their arms around this bill, you never know what's going to happen and that's my concern.

I've talked to the subcommittee chairman and asked that we in Congress hold oversight hearings on the regulatory burden to determine how this might or might not affect smaller systems. He has given me a commitment to do that, and I just wanted to say that while I'm going to vote for this conference report because I think it's needed, I am concerned about some provisions of it, and I'm going to push very hard on behalf of the smaller cable systems that they not be subjected to unreasonable and unwarranted and unjustifiable regulatory intrusions.

Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. HALL].

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

Mr. HALL of Texas. Mr. Speaker, as a member of the conference committee which completed its consideration of this legislation last week, I rise in support of the final agree-

ment. This is not to say that I'm an ardent supporter of increasing the regulatory burden on the cable industry—I'm not. When Congress approved the Cable Act of 1984, many Members, including myself, took for granted that deregulation would foster competition in cable services, with consumers being the ultimate beneficiaries. Eight years later, however, most communities in America are still waiting for that promise of competition.

The legislation before us today would regulate cable services in those communities which continue to have only one cable provider. As soon as effective competition in cable services develops in any given community, then cable operators in that community would once again be deregulated, and the cost and quality of service would be determined by the marketplace. I should note that the programming access amendment put forward by the gentleman from Louisiana [Mr. TAUBIN] would go a long way toward ensuring that real competition has a fair chance to develop.

I want to assure my colleagues and my constituents that it is my belief this legislation will not cause rates to increase—rather, this bill is designed to reintroduce some local government control over cable rates. With respect to the retransmission consent proposal in the bill, this simply gives a local broadcast station the option to negotiate for carriage of its signal on a cable system.

I would remind my colleagues that it was Congress that, in 1976, created the so-called compulsory license which allows cable operators to use local broadcast signals without prior consent from the broadcast station, and without compensation to that broadcast station. Congress established the compulsory license in order to give the infant cable industry a chance to grow and compete. That was 16 years ago and it did work—no one can now say that the cable industry is still a small, struggling entity requiring a special protection in the law.

This legislation gives broadcast stations a choice of two options when dealing with a local cable operator. The station can either elect to operate under must carry, in which case the station is automatically carried on the cable system for a 3-year period without compensation, or the broadcast station can choose retransmission consent, and enter into negotiations with the cable system. Nothing in this bill sets the terms for these negotiations, and nothing requires a cable system to accept the demands of a broadcast station that elects retransmission consent. If an agreement cannot be reached between the two parties, then the broadcast station is off the cable system for a 3-year period. Despite the various cost figures being offered today which suggest that cable rates will increase by \$1 to \$5 billion per year as a result of this legislation, no one knows with any real certainty how these negotiations between broadcast stations and cable systems will play out. This is because each negotiation will be unique—just like any other business negotiations. Many broadcast stations, in fact, are interested in arrangements that go beyond simple financial compensation—such as joint ventures, joint advertising, good channel positioning, et cetera. Without any further governmental interference, the cable industry and the broadcasters can and, I hope, will make this basic idea of business negotiation work in the marketplace.

Mr. Speaker, my point is simply this—any entity should be entitled to maintain control over who uses its own product. I strongly support the idea of retransmission consent, and I sincerely hope this Congress will turn this proposal into reality. I urge my colleagues to support this conference report.

Mr. LENT. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. LUKEN). The gentleman from New York [Mr. LENT] has 8 minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 6½ minutes remaining.

Mr. LENT. Mr. Speaker, before yielding that time, I would ask unanimous consent that statements by the gentleman from Massachusetts [Mr. MARKEY] and I be placed in the RECORD next to each other with the remarks of the gentleman from Massachusetts following mine.

The SPEAKER pro tempore. Without objection, those statements which are not in the form of a colloquy may be inserted in the RECORD.

There was no objection.

Mr. LENT. I ask for clarification on four issues from the distinguished Congressman from Massachusetts about the new provisions in the bill reported by the conference affecting home shopping stations. H.R. 4850 contained a provision which would deny mandatory must carry to those stations which are utilized predominantly for sales presentations or program length commercials, a provision which I and a number of my colleagues opposed as discriminatory and of questionable constitutional merit. I draw attention now to new provisions on this issue contained in the bill reported by the conference. The issue of whether these stations serve the public interest is now referred to the Federal Communications Commission for appropriate proceedings and the earlier discrimination against these stations applies only pending the completion of this proceeding which the FCC is required to complete within 270 days after the date of enactment of this section.

I ask my distinguished colleague now for some clarifications of this amended provision. First, it is correct, is it not, that the revised section leaves to the FCC the authority to determine the nature of the proceeding it conducts as long as the Commission meets the section's requirement for appropriate notice and opportunity for public comment?

Second, I would also like to ask about the effect of the 270-day deadline established in the conference report. It is my understanding that the new provision means that the FCC can decide this issue, assuming it meets the public comment requirement, whenever it feels it has completed its analysis as long as it does not take more than 270 days for the process. In other words, it can complete its proceeding in a much shorter period of time if it so decides.

Third, let me seek assurance on another critical point. I understand that under the terms of this provision, when the FCC makes its determination, whether in 270 days or less, those stations which it decides serve the public interest will be promptly certified as local commercial television stations and will be treated the same as other local commercial

television stations under the mandatory must carry provisions of the act, provided they meet the other must carry requirements of the act.

Finally, under the new provision, it is my understanding that if the FCC determines that a station does not serve the public interest, it will have a reasonable period within which to provide different programming. In addition, such stations will not be denied a license renewal solely because their programming consists predominantly of sales presentations or program length commercials. In other words, the new proceeding on public service for these predominantly sales stations is undertaken solely for determination as to qualification under the mandatory must carry provisions, and for no other purpose.

Mr. MARKEY. Mr. Speaker, I have examined the statement of the gentleman from New York [Mr. LENT] and the gentleman's four interpretations are correct.

Mr. LENT. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary.

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

Mr. BROOKS. Mr. Speaker, it is with great reluctance that I rise in opposition to the conference report on S. 12, the Cable Television Protection Act. I was pleased to vote in favor of this bill when it was approved by the House in July. The House version offered the promise of providing well-deserved relief from skyrocketing monthly bills to cable subscribers across the Nation.

But, something happened to a good piece of legislation in conference. The conferees decided to tack on to this bill a concept called retransmission consent, a matter that is inextricably linked to the Judiciary Committee's jurisdiction over copyright matters. Mr. Speaker, this is an issue with far-reaching economic and legal consequences. Yet, it has not been subject to 1 single minute of debate on the floor of the House. At every step of the process in this body, a conscious effort was made to keep retransmission consent away from the cable bill. Then, lo and behold, the conferees magically rediscovered retransmission consent, just in time to tack it into the conference report and send it back here to the floor of the House. So now the Members of this body are being asked to swallow retransmission consent on the basis of the assurances of our conferees that it will be good for us and our constituents. On that, I have some doubts.

Mr. Speaker, the sole purpose of the concept of retransmission consent is to provide broadcasters with what they call a new revenue stream. One of the most ardent proponents of the concept has estimated that this stream will in fact be a rushing river of revenue for the broadcasters, to the tune of \$1 to \$3 billion. You don't have to be a Nobel laureate in economics to figure out that it will be the cable subscribers who will be forced to pay the passed-on cable costs. I am afraid that it will take a flight of rhetoric worthy of Wil-

liam Jennings Bryan for us to explain to our cable-using constituents how a bill that started out as a measure to lower cable fees somehow came back to the floor of this House with this billion-dollar transfer of wealth attached to it.

Another very disturbing aspect of retransmission consent is its effect on the rights of the holders of copyrights to television programming. These legally vested rights aren't going to vanish into thin air simply by waving the magic wand of retransmission consent. As a result, what we will be doing if we enact the bill in this form is to set the stage for interminable and inevitable litigation.

Mr. Speaker, I believe that there is a way that the principles of both retransmission consent and copyright can be harmonized, and that it can be done in a way that protects the interests of cable subscribers. This bill doesn't do the job. If we defeat this conference report, we can come back in the future and work on a bill that does the job right. For these reasons, I have to urge my colleagues to vote "no" on this conference report.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

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

(Mr. MFUME addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1120

Mr. MARKEY. Mr. Speaker, I yield the balance of our time, 6½ minutes, to the gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce.

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

Mr. DINGELL. Mr. Speaker, I begin by paying my greatest respect and affection to the distinguished gentleman from Texas [Mr. BROOKS], my dear friend, who is one of the finest men that I know, and a man with whom I have had great pride in serving.

I wanted to say that I am reminded today, as I speak, of the mighty Achilles, who sulked in his tent outside the walls of Troy and did not participate in the battle which took place. Never would I say that my dear friend from Texas had sulked in his tent, but I think it is time for us to recognize that he awakes from a rather deep sleep in a somewhat ill mood, because he had a full opportunity to name three conferees. He chose not to do so.

Had those three conferees appeared, together with the four Republican conferees, the matter would have been deadlocked and the result would have been very, very different than that which we see before us.

So I would urge my colleagues to not think that there was anything done in the dark of night here. The harsh fact

of the matter is that retransmission consent has been reviewed by everybody in sight. As my good friend from Texas has observed to the House, he would anticipate that Hollywood will have full opportunity to have this question reviewed and certainly the copyright laws are within the purview of the jurisdiction of the Committee on the Judiciary. I fully anticipate, my dear friend, to look to those laws as this matter develops.

The cost estimate has been made on this bill with retransmission consent. Consumers Federation of America recognizes and says, in a study which I would show my colleagues here, that there will be a savings to American consumers of \$6 billion, if this legislation is passed. The FCC recognizes that the savings to consumers is going to be \$5.3 billion. That is big money. That includes retransmission consent.

Let us look then at some of the other things. This legislation passed the House by a vote of 340 to 73. It passed the Senate by 73 to 18. It is very clear that there is strong support for this legislation, and I would urge my colleagues to recognize that.

Let me tell my colleagues about something else we are finding. This is a year when people are concerned about the special interests running the Congress of the United States. Listen to those people. They are telling us that they are dissatisfied with service, which is so bad that the city of New York had to amend the charter of the cable company which serves them to assure that that cable company would simply answer the phone.

This legislation requires service improvements. It requires protection of consumers from outrageous rate increases.

Look at who opposes this bill: The cable industry, an unregulated monopoly. They want to stay an unregulated monopoly. Is that surprising? No; there is enormous economic advantage for them. Hollywood, which sees an opportunity to increase their revenue stream.

Who favors this bill? The Consumer Federation of America, the AFL-CIO, the UAW, the American Association of Retired Persons, the League of Cities, the mayors of the communities that we serve, the National Association of Rural Co-ops, the Association of State Attorneys General, and Consumers Against Special Interests.

The answer here is to listen to the people that we serve, and if we do not listen to them in an election year, listen to our pollsters. They are telling us, the people are fed up with these special interests pressuring the Congress into unwise legislation that does not serve their interests.

Control prices, assure improved service, and put reasonable restraints on monopolists.

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

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

Mr. MARKEY. Mr. Speaker, let us make no bones about what this debate is over. The Committee on the Judiciary had plenty of opportunity to bring that amendment out on the floor to help Hollywood and get more revenues for Hollywood back in July. They chose not to bring the amendment out on the floor.

I do not know why they did not want to defend Hollywood in the well of the House.

Mr. DINGELL. Mr. Speaker, they chose not to participate in the conference, where they had an opportunity to have conferees appointed to carry out their views.

Mr. MARKEY. Mr. Speaker, if the gentleman will continue to yield, again the gentleman from Michigan is correct. Judiciary conferees were named to the conference committee, and yet they never showed up to fight for Hollywood to get them more revenues.

Do my colleagues know what this debate is over? This is as though Hurricane Andrew hit every consumer in America. Now we are building a tent to protect the consumers, and the broadcasters are inside. Hollywood wants to get inside, too, so they can get more revenues. In order to ensure that they get inside the tent and get more revenues, Hollywood producers are going to blow down the whole tent and give no protection to the consumers of our country against the \$6 billion overcharges which the cable industry imposes every single year.

If we want to make sure that this bill is killed so that Hollywood can go back and get more of the money which they think is going to the broadcasters, more than they think they deserve, but it will still go into their pocket, not back to the consumers, then, fine, vote no. But if we want to protect the consumers in this country, make sure that we vote yes on this bill because that is the only way we are going to protect the consumers.

Mr. DINGELL. Mr. Speaker, we have a simple choice here. The consuming public of the American people want this bill. The cable industry, and unregulated monopoly, does not. The Consumer Federation of America, the AFL-CIO, the League of Cities, the Attorneys General, they want this bill.

Why? Because they know it is going to save them money and improve the service. The result of passage of this bill is that the consumers will receive needed protections. Defeat of this bill assures that the special interests will profit, will enjoy increased revenues and will, of course, be very grateful to all of those who have provided them this needed assistance.

Mr. KLECZKA. Mr. Speaker, I urge my colleagues on both sides of the aisle to vote for passage of S. 12, the cable television agreement.

By now all of us are familiar with the litany of woes arising from deregulation of the cable industry in 1984. While this action was supposed to promote competition to cable, and keep rates reasonable, it had the opposite ef-

fect. The General Accounting Office [GAO] reports cable rates rose 81 percent during the period—more than three times the inflation rate. The Justice Department found price hikes were approximately 50 percent more than they would have been in a genuinely competitive market. Perhaps most telling of all, the Consumers Federation of America [CFA] estimates the cable industry overcharges subscribers \$6 billion a year.

The rate hikes, it should be emphasized, are not a result of Government action. In my view, they are due, in part, to Government inaction on behalf of consumers.

Enough is enough. The agreement before us today would restore much needed balance to the cable industry by reregulating rates and promoting competition in a meaningful way.

At least 95 percent of the cable systems operating today have little to no competition from other multichannel sources of video broadcasting. The cable agreement takes effective steps to stabilize prices. Under the conference bill, the Federal Communications Commission [FCC] must develop a procedure to determine the maximum rate allowable for the basic tier of cable service. This rate must be reasonable for subscribers, and cannot surpass what would be charged if cable systems faced real competition. The CFA estimates this provision will lower monthly rates at least 30 percent. In addition, cable operators who continue charging excessive rates would be forced to refund the overcharge amount to subscribers, and lower rates. It should be noted that once a cable system faces meaningful competition, FCC rate regulation would no longer apply.

Another key feature of the agreement would, for the first time, limit what cable operators may charge for remote control devices, converter boxes, and the installation of other home cable equipment.

The agreement does require cable operators, also for the first time, to obtain permission from local broadcasters to retransmit their programming to cable subscribers. Broadcasters, however, are not required to charge them a fee to retransmit these programs. The conference bill is flexible, allowing broadcasters to ask for benefits on the cable system, rather than forcing them to demand fees. During House and Senate hearings on cable reregulation, many local broadcasters indicated they would ask for benefits on the cable system, instead of charging fees.

While the provision is not a perfect solution to the thorny problem of retransmission, I seriously doubt it will have the effect of raising cable rates, as critics predict. If monthly bills do indeed rise, I suspect the cable companies will be doing so simply to ensure a self-fulfilling prophecy.

The cable television agreement is a responsible policy. It would rein in unfair price hikes for basic service and open the industry to competition, driving rates still lower. I urge my colleagues to vote for passage of this important proconsumer bill, and to override a veto if the need to do so arises.

Mr. LAGOMARSINO. Mr. Speaker, I will not support legislation that increases cable rates for my constituents.

I agree that Congress needs to address the problems facing cable television customers. However, I do not agree that this legislation is the right answer.

In many areas of my congressional district, my constituents do not have a choice between

cable television and so-called free television. Instead, the choice is between cable television, usually from only one source, or virtually no television at all. In other words, many of my constituents have no choice at all.

In considering this legislation supposedly aimed at consumer protection and competitiveness, we must ask ourselves these important questions: Does this legislation create any more choices for the cable customer? Will this legislation protect cable customers from higher rates, or will it actually cause rates to increase? Does this legislation increase competition in the cable industry?

Clearly, the retransmission provisions of this conference report will increase the costs of doing business for cable operators. However, in the absence of effective competition among cable operators, these increased costs will get passed directly to cable customers. That means higher monthly bills and still leaves cable customers with nowhere else to turn.

I urge my colleagues to join me in rejecting this legislation that increases regulation and rates, and instead, work for the passage of a bill that increases fairness and choice for cable customers.

Mr. ROGERS. Mr. Speaker, I rise in support of the conference report on S. 12, the Cable Television Consumer Protection Act of 1992.

I believe that the cable operators in my region of Kentucky have been trying to provide the best possible service for the lowest possible cost. They generally deliver a good product and they care about their customers.

In other cases, however, I have been the recipient of many complaints from those who object to increasing rates, limited channels, or poor service. I also know that in many other parts of the Nation, these problems are more severe.

S. 12 will hopefully address those cases in which unfair rates or inadequate service are standard operating practice. The Federal Communications Commission will ensure that rates for basic cable service, as well as for the equipment used, are reasonable for the customer. Minimum service standards also will be written, so customers can count on phone calls being answered and problems solved promptly. Good cable operators—like many of mine—should not be harmed by the cable bill or the regulations which implement it. Those that fail these price and service tests will have to measure up.

Mr. Speaker, this is a tough measure, to be sure. It will require companies to control rates that have risen dramatically since deregulation. At the same time, it generally requires cable operators to carry local commercial and public television signals. Another provision prevents cable systems from forcing customers to buy a whole tier of service in order to get one or two premium channels. So the terms are tough, and I would overall favor a milder version. In fact, I supported the Lent substitute when the House first considered this issue in July. But when the Lent substitute failed, I felt compelled to support the bill on final passage.

In response to this bill, the cable industry has recently, and suddenly, expressed concerns about the higher rates it might be forced to charge customers. But there is little question that without this bill, rates would definitely increase. With this bill, we can expect the price trend to reverse, and our constituents to pay less.

The rural impact of this bill is an important consideration. Like the House version of the cable bill, the conference report requires that the FCC reduce the impact of its regulations on small operators. I would have preferred even milder treatment for very small cable operators; however, the bill does require the FCC to write rate regulations which reduce the costs of compliance for operators with 1,000 or fewer customers.

Finally, many of my constituents cannot receive cable service at all; their homes are too remote to be wired by the local cable franchise, leaving those who can afford it to purchase a home satellite dish. S. 12 helps satellite dish owners by making sure that video program producers do not overcharge satellite delivery systems for programs they provide to cable operators.

Television is an important source of entertainment and education in eastern Kentucky. Our elderly, our homebound, and our children all should be able to receive cable television, affordably and without constant service headaches.

I support this bill because, on balance, it will bring some long needed relief and an important product to cable customers, throughout Kentucky and across the Nation.

Mr. GALLO. Mr. Speaker, in July, when the House considered its cable deregulation legislation, H.R. 4850, I supported that bill because it contained a number of meaningful consumer protection provisions and opened the door to competition, which in turn should result in lower rates and greater choices for consumers.

Today, we are considering a much different piece of legislation—one which will result either in rate increases or a reduction in community services now provided by our local cable companies.

The difference is a provision, known as retransmission consent, which places an unfair burden on every cable customer by requiring payments to broadcast stations and/or contractual agreements that run counter to the original intent of our legislation.

The consumers of this country have made their priorities quite clear. They want reliable service at reasonable rates. Our senior citizens and individuals on fixed incomes are particularly concerned.

I have heard from hundreds of my constituents—many of them seniors—over the last 2 weeks, urging me to vote no on this conference report.

They are opposed because they see retransmission consent for what it is—an anticonsumer provision that will cost them money in the long run.

Once again, Congress has taken a good idea and has turned it around. As a result, a proconsumer proposal has become a bill that consumers fear, because they have lost faith in Congress to do what it promises to do.

Mr. Speaker, I support meaningful consumer protection, but this conference report is not proconsumer.

Mr. LEVINE of California. Mr. Speaker, I rise in opposition to the conference report on S. 12, I do so reluctantly, because I strongly support many of the provisions of this bill.

There is little question that deregulation of the cable industry is in the public interest. While many exciting technologies hold great promise for injecting some meaningful competition into the cable business, those tech-

nologies are still in their infancy and are not yet ready to go toe to toe with the existing cable systems.

Far too many cable companies have taken advantage of the monopolies they hold to raise rates and offer shoddy service. Hardly a day goes by without my office being contacted by a constituent to complain about one of the cable companies which serve my district.

As much as I would like to support S. 12 I cannot, because of a glaring inequity in the conference report.

During conference the conferees added retransmission consent provision which will allow local broadcasters to charge cable companies to carry their signal. It has been estimated that this will result in a windfall profit of up to \$1 billion for broadcasters. In fact, it has been estimated that this provision alone will raise cable rates by as much as \$6 a month.

Yet, the networks are little more than a conduit and a compiler for programming. They are not the creative force behind the programs, nor do they take the financial risks involved with developing a series. The way this legislation is drafted only the networks will derive any money from the retransmission consent section.

Yet, the bill, as written, does not allow copyright holders to share in these revenues. This means that the broadcasters, who merely deliver the programming, are the only parties who will profit from the work of the thousands of men and women in my home State of California who earn their living in the television production industry.

Not only is this blatantly unfair, it could also complicate trade negotiations in Europe and elsewhere. How can our trade negotiators demand that European broadcasters compensate American copyright holders for programming when we do not do so ourselves?

Exports of television programs and movies make a significant contribution to reducing our international trade deficit. Loss of this revenue could be devastating to television studios and add to a rapidly increasing imbalance of payments abroad.

Legislation was pending before the House Judiciary Committee which would have solved this inequity while limiting cable rate increases to 20 cents a month. Unfortunately this alternative was not considered by the conference committee.

I am deeply disappointed that I am not able to support this legislation. However, this bill, in its current form is fatally flawed and must be fixed before it is allowed to become law.

I urge my colleagues to join with me and oppose this conference report and I hope that Congress can pass an equitable consumer protection bill during the current session.

Mr. MATSUI. Mr. Speaker, I reluctantly oppose the conference report before us.

The Cable Television Consumer Protection Act that we are considering today contains many important provisions which, if enacted, would improve the level of service provided by individual cable companies. Rate regulation, the promotion of competition within the cable industry, and consumer protection provisions are vitally important, and I am certainly not opposed conceptually to regulating the cable industry to make improvements in delivery. In fact, in July, I voted for the House cable bill because I, like so many of my colleagues, feel that it is time to put some constraints on cable operators.

My colleagues on the House Energy and Commerce Committee crafted a bill that would help cable consumers and give a boost to some potential competitors to cable. But the conference report that is before us today differs in a significant respect from the cable bill that the House passed this summer. It contains a provision known as retransmission consent, which I believe changes the balance that had been struck in the House legislation.

Retransmission consent is intended to provide a second revenue stream to broadcasters. But that revenue stream would have to come from somewhere—and I fear it might very well come from the pocketbooks of the same consumers this bill is intended to protect.

I am also concerned by the way the conference report values television signals without recognizing the value of the programs that give those signals their appeal. The reality of the modern television marketplace is that when we turn on the television set, our focus is the program, not the carrier. Viewers' allegiance is to "Cheers" and "The Cosby Show," not the station on which that program is being carried.

Yet retransmission consent allows the local broadcaster to negotiate with cable for the right to negotiate with cable for the right to carry the TV signal, but does not give the copyright owner the same opportunity. The copyright owner will continue to be compelled to give his show to cable without compensation.

I believe such a policy decision would skew the reality of the TV marketplace and send a horrible message to our trading partners overseas. U.S.-made TV shows are one of our strongest exports. America's production community generates \$3.5 billion trade surplus. If this provision becomes a model all over the globe, retransmission consent revenues will flow to foreign broadcasters instead of to the copyright owners who created the programs enjoyed by foreign audience. It could cost this country millions of dollars that would flow straight to the bottom line of the U.S. trade balance.

Therefore, Mr. Speaker, I must oppose the cable conference report. It is my hope that we will have the opportunity to revisit the issue of cable regulation either this session of Congress or early in the next session so that we can pass meaningful legislation that will not be unnecessarily injurious to consumers and our trade posture.

Mr. FAZIO. Mr. Speaker, I am a strong supporter of efforts to enact proconsumer legislation to protect cable television subscribers from unreasonable rates and poor customer service. I voted for the House of Representatives' cable rate regulation bill 2 months ago, and voted for similar legislation in 1990. There is no doubt that in the absence of real competition in the cable industry, consumers need protection to ensure they are not taken advantage of by cable monopolies.

However, it is with regret that I must oppose the conference report on S. 12. When the conference committee met on this bill, a controversial provision was added which could have a devastating impact on a major industry based in my home State of California. This provision has nothing to do with bringing about reasonable cable rates or improving service. This issue was never even debated on the House floor.

The conferees agreed to a retransmission consent language, a provision which would require cable operators to negotiate with local broadcasters in order to retransmit their signal. There is indeed some merit to the arguments that broadcasters deserve compensation for the use of their broadcast signals. However, under the provisions of this conference report, the people who produce television programs would not even have a seat at the bargaining table while their copyrighted product is bought and sold.

In its current version, this provision would seriously threaten one of our biggest industries in California and the tens of thousands of Californians who earn their living in television production. At a time when our State is struggling with record high unemployment rates and an increasing budget crunch, this legislation deals one of our key industries a low blow.

This precedent could have serious repercussions worldwide. The motion picture and television industry provides us with one of our countries biggest exports, showing one of the largest positive trade balances. The current cable bill would give foreign governments the green light to disregard U.S. copyright owners rights, resulting in the potential loss of tens of millions of dollars annually in foreign cable royalties. Our unique cultural trade asset would suffer a severe blow, ultimately damaging our State's economy and our Nation's balance of trade.

Mr. Speaker, I repeat, I will continue to support legislation to protect cable consumers. But I believe we can develop a cable bill that will be fair to both consumers and an industry so vital to the well-being of California.

Mr. GOSS. Mr. Speaker, when this House voted on July 23 overwhelmingly in support of H.R. 4850, the Cable Television Consumer Protection and Competition Act, we voted for the consumer, we voted for reasonable rates, and we voted to promote competition in the industry. It is important to keep in mind that we are being asked to vote for the very same principles today without allowing the sideshow between the cable industry and the broadcasters to steal the spotlight from the true issues.

I had my reservations in July, when I voted to reregulate the industry, and I still have my reservations today because normally I oppose Government regulation. But my vote reflects the grave concern of my constituents that without effective competition and local control against abusive practices, some elements of the cable industry will never exercise self discipline. Customers have reason for concern—over the years, there have been instances of excessive rate hikes and unresponsive customer service. Opponents to this measure argue that costs associated with reregulation will eventually drive up the cost of cable service. Depending on the source, the predictions regarding rate increases vary drastically. At this point, no one really knows what kind of increases we are talking about, if any. It is all based on hypotheses. But one thing we do know for sure is that without this measure we have every reason to believe some cable operators will continue a history of heaping unannounced and unreasonable rate increases on the consumer.

The threat of reregulation came as no surprise to the cable industry, and perhaps cable's biggest mistake was not taking the threat

seriously. In my opinion, the cable industry had ample opportunity to corral its bad operators and prove to the consumers that it had the inclination and the ability to regulate itself. But the industry as a whole did not live up to this challenge. Because of this and the strong message of my constituents, the cable industry has left me no choice but to vote for the conference report.

Mr. HOUGHTON. Mr. Speaker, the cable bill has brought about strong emotions and expensive advertising. I supported the bill. The cable bill can be broken into two issues: Price and access. This legislation, I hope, will make prices more competitive. It will provide cable programming, at reasonable rates, for rural residents who now have access to cable.

A little bit of background. Cable rates were deregulated by Congress, in 1984, to help cable companies produce a reasonable return on their significant investment. As a result, the cable companies were allowed to set their own prices with no Government intervention. But this was a solution to only half the problem. Congress did not take the second step. It did not provide a competitive alternative, or access for others to enter the market.

My preference is and will continue to be to open the market. This is the proven American way to restrain price excesses. But that was not to be. The bill that emerged is far from perfect, but it is a step forward, to correct certain features from the 1984 bill—allowing cable companies to operate with no oversight.

This bill asks the cable programming companies to share programs at a reasonable price. This will help those people in rural areas of the southern tier and Finger Lakes regions where cable is not available, since their only alternative is to install a satellite dish.

Mr. CAMP. Mr. Speaker, I rise in opposition to the conference report because this is not the bill I voted for 2 months ago.

The bill I voted for protected consumers, this bill does not. The bill I voted for encouraged competition, this bill discourages competition. The bill I voted for lowered cable rates for cable customers, this bill will raise rates.

A Detroit Free Press article quotes the bill's sponsor, Congressman MARKEY as saying the bill will not lower rates, but that "rates would only go up less than without this legislation."

What has happened over the last 2 months is the classic bait-and-switch tactic. This bill as advertised 2 months ago was a good bill. But suddenly, the bill we will vote on today isn't what we bargained for.

Now we have a bill that will force consumers to pay for programs they now get for free. Now we have a bill that has become a Washington bureaucrat's dream, and nightmare for rural cable consumers.

This bill, by failing to provide regulatory relief for small, rural cable companies, and by imposing retransmission consent, will force cable consumers in rural America to pay much more for cable service or receive none at all.

Even worse, retransmission consent will drive small cable companies out of business, leaving huge cable operators to step in and buy them out.

In my rural mid-Michigan district, consumers in rural counties and townships like Isabella, Broomfield, and Woodland are served by cable companies that provide service to less than 100 customers.

These consumers don't want their service provided by some big, unresponsive, cable company giant.

But that's what this bill will do. It will drive out of business small cable firms that can't pay retransmission consent or keep up with the regulatory paperwork blizzard this bill will create.

My friends, retransmission consent will do to cable what slotting allowances have done to air travel, kill competition and allow a few huge companies to drive up costs and buy out smaller competitors.

Again, that's not what was advertised 2 months ago.

I urge my colleagues to vote against this conference report. Defeat this defective bill, send it back to conference, and send a message to the conferees that we won't stand for bait and switch, we want what every consumer wants—the product that was advertised 2 months ago.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 280, nays 128, answered "present" 1, not voting 23, as follows:

(Roll No. 386)

YEAS—280

|              |              |               |
|--------------|--------------|---------------|
| Abercrombie  | Collins (IL) | Gallely       |
| Ackerman     | Collins (MI) | Gaydos        |
| Alexander    | Condit       | Geddeson      |
| Anderson     | Cooper       | Gephardt      |
| Andrews (ME) | Costello     | Geran         |
| Andrews (TX) | Cox (IL)     | Gilchrist     |
| Assaniso     | Coyne        | Gillman       |
| Applegate    | Cramer       | Glickman      |
| Aspin        | Darden       | Gonzales      |
| AuCoin       | Davis        | Goss          |
| Beckins      | DeFazio      | Grandy        |
| Barratt      | DeLauro      | Green         |
| Bateman      | Dellums      | Guarini       |
| Bellinson    | Derrick      | Gunderson     |
| Bennett      | Dicks        | Hall (TX)     |
| Bentley      | Dingell      | Hamilton      |
| Bereuter     | Donnelly     | Harris        |
| Bevill       | Dooley       | Hatcher       |
| Bilbray      | Dorgan (ND)  | Hayes (IL)    |
| Bilirakis    | Downey       | Hefner        |
| Blackwell    | Duncan       | Henry         |
| Boehler      | Durbin       | Hertel        |
| Bonior       | Dwyer        | Hogeland      |
| Boucher      | Dymally      | Hochbraeckner |
| Brewster     | Early        | Horn          |
| Browder      | Eckart       | Houghton      |
| Brown        | Edwards (CA) | Hoyer         |
| Bruce        | Edwards (TX) | Hubbard       |
| Bryant       | Emerson      | Hutto         |
| Bunning      | Engel        | Inhofe        |
| Byron        | English      | Jacobs        |
| Callahan     | Erdreich     | Jefferson     |
| Cardin       | Espy         | Jenkins       |
| Carpenter    | Evans        | Johnson (SD)  |
| Carr         | Ewing        | Johnston      |
| Chapman      | Fish         | Jones         |
| Clay         | Flake        | Jonas         |
| Clement      | Fortnetta    | Kapur         |
| Coble        | Ford (MI)    | Kasich        |
| Coleman (MO) | Ford (TN)    | Kennelly      |
| Coleman (TX) | Frost        | Kildee        |

|               |               |             |
|---------------|---------------|-------------|
| Kleczka       | Neal (NC)     | Skelton     |
| Klug          | Nichols       | Slatery     |
| LaFalce       | Nowak         | Slaughter   |
| Lancaster     | Nussle        | Smith (FL)  |
| Lantos        | Oakar         | Snowe       |
| LaRocco       | Oberstar      | Solarz      |
| Leach         | Obey          | Spence      |
| Lehman (CA)   | Oliver        | Spratt      |
| Lehman (FL)   | Ortiz         | Staggers    |
| Levin (MI)    | Owens (NY)    | Stallings   |
| Lewis (FL)    | Pallone       | Stark       |
| Lewis (GA)    | Panetta       | Stearns     |
| Lightfoot     | Patterson     | Stenholm    |
| Lipinski      | Payne (VA)    | Stokes      |
| Livingston    | Pease         | Studds      |
| Lloyd         | Pelosi        | Sundquist   |
| Long          | Peterson (FL) | Sweet       |
| Lowey (NY)    | Porter        | Swift       |
| Machtley      | Posahard      | Synar       |
| Manton        | Price         | Talton      |
| Markey        | Quillen       | Tanner      |
| Marienne      | Rahall        | Tauzin      |
| Martinez      | Ramstad       | Taylor (MS) |
| Mavroules     | Rangel        | Taylor (NC) |
| Mazoli        | Ravenel       | Thomas (GA) |
| McCleakay     | Ray           | Thomas (WY) |
| McCollum      | Reed          | Thornton    |
| McCurdy       | Rinaldo       | Torricelli  |
| McDermott     | Roberts       | Traffant    |
| McGrath       | Roe           | Traxler     |
| McHugh        | Roemer        | Unsoeld     |
| McMillan (NC) | Rogers        | Upton       |
| McMillan (MD) | Roa-Lehtinen  | Valentine   |
| McNulty       | Ross          | Vento       |
| Meyers        | Rostenkowski  | Visclosky   |
| Mfume         | Roth          | Voikmer     |
| Michel        | Rowland       | Walsh       |
| Miller (CA)   | Sabo          | Washington  |
| Miller (WA)   | Sanders       | Waxman      |
| Mineta        | Sargmeister   | Whelan      |
| Mink          | Sarpaluis     | Whitten     |
| Moakley       | Sawyer        | Williams    |
| Mollinari     | Schiff        | Wise        |
| Mollohan      | Schulze       | Wolf        |
| Montgomery    | Schumer       | Wolpe       |
| Moody         | Serrano       | Wyden       |
| Moran         | Sharp         | Wylie       |
| Morilla       | Shaw          | Yates       |
| Morrison      | Shays         | Yatron      |
| Mrazek        | Sikorski      | Young (AK)  |
| Nagle         | Slatsky       | Young (FL)  |
| Natcher       | Steen         |             |
| Neal (MA)     |               |             |

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|               |               |               |
|---------------|---------------|---------------|
| Allard        | Gingrich      | Orton         |
| Allen         | Goodling      | Oxley         |
| Andrews (NJ)  | Gradison      | Packard       |
| Archer        | Hall (OH)     | Parker        |
| Armey         | Hammerschmidt | Pastor        |
| Baker         | Hancock       | Paxon         |
| Balleger      | Hansen        | Payne (NJ)    |
| Barton        | Hastert       | Penny         |
| Berman        | Hefley        | Peterson (MN) |
| Billey        | Herrger       | Pickett       |
| Boehner       | Hobson        | Pursell       |
| Borsari       | Holloway      | Regula        |
| Brooks        | Hopkins       | Rhodes        |
| Burton        | Horton        | Richardson    |
| Bustamante    | Hughes        | Ridge         |
| Camp          | Huster        | Ritter        |
| Campbell (CA) | Hyde          | Rohrabacher   |
| Campbell (CO) | Ireland       | Roikema       |
| Clinger       | James         | Roybal        |
| Combest       | Johnson (CT)  | Raso          |
| Coughlin      | Johnson (TX)  | Santoram      |
| Cox (CA)      | Kanjorski     | Saxton        |
| Craze         | Kolbe         | Schaefer      |
| Cunningham    | Kolter        | Schroeder     |
| Dannemeyer    | Kopetski      | Sensenbrenner |
| de la Garza   | Koestmayer    | Shuster       |
| DeLay         | Kyl           | Staggs        |
| Dickinson     | Lagomarsino   | Smith (IA)    |
| Dixon         | Laughlin      | Smith (NJ)    |
| Doolittle     | Lent          | Smith (OR)    |
| Dorman (CA)   | Levine (CA)   | Smith (TX)    |
| Dreier        | Lewis (CA)    | Solomon       |
| Edwards (OK)  | Lowery (CA)   | Stump         |
| Fawell        | Martin        | Thomas (CA)   |
| Fazio         | Matsui        | Torres        |
| Feighan       | McCandless    | Vander Jagt   |
| Fields        | McDade        | Vucabovich    |
| Frank (MA)    | McEwen        | Walker        |
| Franks (CT)   | Miller (OH)   | Weldon        |
| Gallo         | Moorhead      | Wilson        |
| Gekas         | Murphy        | Zelliff       |
| Gibbons       | Myers         | Zimmer        |
| Gillmor       | Olla          |               |

ANSWERED "PRESENT"—1

|            |               |         |
|------------|---------------|---------|
|            | Luken         |         |
|            | NOT VOTING—23 |         |
| Anthony    | Gordon        | Pickle  |
| Atkins     | Hayes (LA)    | Riggs   |
| Barnard    | Huckaby       | Stevens |
| Boyer      | Kennedy       | Stenur  |
| Broomfield | McCrary       | Towns   |
| Chandler   | Murtha        | Waters  |
| Conyers    | Owens (UT)    | Weber   |
| Fascell    | Perkins       |         |

□ 1149

The Clerk announced the following pairs:

On this vote:

Mr. Riggs for, with Mr. Barnard against.  
Mr. Hayes of Louisiana for, with Mr. McCrary against.

Mr. WILSON changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LUKEN. Mr. Speaker, I have recently entered into a contract, which will be effective January 4, 1993, with a broadcasting company which has a substantial interest in both the broadcasting and cable industries. For this reason I have voted "present" on the conference report for S. 12, the Cable Television Consumer Protection Act in order to avoid the appearance of a conflict of interest.

□ 1150

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the conference report on the Senate bill, S. 12.

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

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE WALTER B. JONES

The SPEAKER pro tempore (Mr. LUKEN). Pursuant to House Resolution 567, the Chair, without objection, appoints the following Members on the part of the House as members of the funeral committee of the late WALTER B. JONES:

- Mr. ROSE of North Carolina;
- Mr. FOLEY of Washington;
- Mr. GEPHARDT of Missouri;
- Mr. BONIOR of Michigan;
- Mr. HOYER of Maryland;
- Mr. HEFNER of North Carolina;
- Mr. NEAL of North Carolina;
- Mr. VALENTINE of North Carolina;
- Mr. COBLE of North Carolina;
- Mr. MCMILLAN of North Carolina;