

EC-977. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the Service's annual report under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-978. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tolerances for Moisture Meters" (RIN0580-AA60) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-979. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Nebraska-Western Iowa Marketing Area; Termination of Certain Provisions of the Order" (Docket DA-98-11) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-980. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revised Quality and Handling Requirements and Entry Procedures for Imported Peanuts for 1999 and Subsequent Import Periods" (Docket FV98-999-1 FR) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-981. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions" received on January 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-982. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Certification; Accreditation of Non-Government Facilities" (Docket 95-071-2) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pseudorabies in Swine; Payment of Indemnity" (Docket 98-123-2) received on January 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees; Embryo Collection Center Approval Fee" (Docket 98-005-2) received on January 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-985. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration's report on aircraft cabin air quality; to the Committee on Commerce, Science, and Transportation.

EC-986. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Ancillary or Supplementary Use of Digital Television Spectrum Pursuant to Section 336(e)(1) of the Telecommunications Act of 1996" (Docket 97-247) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-987. A communication from the Assistant Administrator for Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "High Seas Fishing Compliance Act; Vessel Identification and Reporting Requirements; OMB Control Numbers" (I.D. 040197B) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-988. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 1999 Specifications" (I.D. 101598B) received on January 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-989. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Interim 1999 Harvest Specifications for Groundfish" (I.D. 122198A) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-990. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1999 Harvest Specifications" (I.D. 121698B) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-991. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Minimum Clam Size for 1999" (I.D. 122398E) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-992. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specific Groundfish Fisheries in the Gulf of Alaska" (I.D. 122898B) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-993. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands" (I.D. 122898C) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-994. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Last-in, First-out Inventories" (Rev. Rul. 99-4) received on January 5, 1999; to the Committee on Finance.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 302. A bill for the relief of Kerantha Poole-Christian; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 303. A bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST:

S. 304. A bill to improve air transportation service available to small communities; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. BRYAN):

S. 305. A bill to reform unfair and anti-competitive practices in the professional boxing industry; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST:

S. 306. A bill to regulate commercial air tours overflying the Great Smokey Mountains National Park, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 303. A bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SATELLITE TELEVISION ACT OF 1999

● Mr. MCCAIN. Mr. President, over the past several years some satellite TV companies routinely broke the law by selling customers distant network stations when they weren't authorized to.

These customers bought the service in good faith. For many, especially those in rural areas, these distant network stations are the only source of decent network TV reception. For others, they provide a window on life in a distant city.

Despite the fact that these satellite TV customers had no intention of breaking the law, and despite the fact that many welcome the added diversity these distant network stations provide, and despite the fact that the law prevents satellite TV companies from transmitting local network stations, many of these customers—perhaps as many as two million of them—are within weeks of losing their distant network stations, thanks to a court order secured by local TV stations, and TV network broadcasters. And the way the law is written, there's not much the FCC or anybody else can do to stop it—unless we change the law.

Mr. President, that's what I propose to do. Today, with the cosponsorship of Senator CONRAD BURNS, I am introducing the Satellite Television Act of 1999. Together with legislation introduced earlier this week by myself and Senators HATCH, LEAHY, DEWINE, KOHL,

and LOTT, this legislation will settle, in a fair and rational way, the ongoing dispute between broadcasters and satellite TV companies about how and when satellite TV customers can receive local and distant network TV stations.

It should come as no surprise that telecommunications law, like the notoriously failed 1996 Telecommunications Act, often seems to work against the interests of the average consumer: the plain but sorry fact is that the interests of big telecommunications companies, not average Americans, are the ones that the laws are really drafted to serve. And why is that? because these companies often successfully argue that serving their interests is serving the consumer's interests.

That just doesn't wash in this case, however. For example, how can anybody argue with a straight face that it's really serves the consumer's interests to keep satellite TV companies from carrying local stations? Or to allow broadcasters to force satellite TV companies to drop all their distant network stations—even if local broadcasters aren't suffering any meaningful loss of audience or revenue as a result, and if the local market doesn't even have a station that broadcasts the same network shows?

This legislation will change the law and avoid these unfair results. It would allow satellite TV companies to carry local signals, and to continue carrying distant network stations in three situations: when a local network affiliate doesn't exist, when a local affiliate can't be received off-air, or when carriage of the distant signals will not cause local stations any significant loss of revenue. The FCC would be ordered to determine, on an expedited, bipartisan basis, those situations in which the lack of adverse impact would justify continued carriage of distant network stations, and whether any program blackout rules should be applied to their carriage. In the interim, satellite TV subscribers located at a greater distance from the local stations would be permitted to continue carrying the distant network stations they currently offer. Those located close to the core of the local station's market, however, would be subject to having their distant network stations withdrawn by the broadcasters' enforcement of their outstanding judgment. This will appropriately punish the satellite TV companies that most likely deliberately broke the law, and these consumers are highly likely to receive full network service from local network station affiliates.

Mr. President, this bill attempts to strike a fair compromise between the warring corporate interests of the satellite TV and broadcast TV interests, so that we can, at least this time, avoid having consumers bear the consequences of bad law and corporate selfishness.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 303

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

#### SECTION. 1. SHORT TITLE.

This Act may be cited as the "Satellite Television Act of 1999".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting competition in cable services and making available to the public a diversity of views and information through cable television and other video media.

(2) In the Telecommunications Act of 1996, Congress stated its policy of securing lower prices and higher quality service for American telecommunications consumers and encouraging the rapid deployment of new telecommunications technologies.

(3) In most places throughout America, cable television system operators still do not face effective competition from other providers of multichannel video service.

(4) Absent effective competition, the market power exercised by cable television operators enables them to raise the price of cable service to consumers, and to control the price and availability of cable programming services to other multichannel video service providers. Current Federal Communications Commission rules have been inadequate in constraining cable price increases.

(5) Direct Broadcast Satellite service has over 8 million subscribers and constitutes the most significant competitive alternative to cable television service.

(6) Direct Broadcast Satellite Service currently suffers from a number of statutory, regulatory, and technical barriers that keep it from being an effective competitor to cable television in the provision of multichannel video services.

(7) The most prominent of these barriers is the inability to provide subscribers with local television broadcast signals by satellite.

(8) Permitting providers of direct broadcast satellite service to retransmit local television signals to their subscribers would greatly enhance the ability of direct broadcast satellite service to compete more effectively in the provision of multichannel video services.

(9) Due to capacity limitations and in the interest of providing service in as many markets as possible, providers of direct broadcast satellite service, unlike cable television systems, cannot at this time carry all local television broadcast signals in all the local television markets they seek to serve.

(10) It would be in the public interest for providers of direct broadcast satellite service to fully comply with the mandatory signal carriage rules at the earliest possible date. In the interim, requiring full compliance with the mandatory signal carriage rules would substantially limit the ability of direct broadcast satellite service providers to compete in the provision of multichannel video services and would not serve the public interest.

(11) Maintaining the viability of free, over-the-air local television service is a matter of preeminent public interest.

(12) All subscribers to multichannel video services should be able to receive the signal of at least one station affiliated with each of the major broadcast television networks.

(13) Millions of subscribers to direct broadcast satellite service currently receive the

signals of network-affiliated stations not located in these subscribers' local television markets. In those cases where cable service is not available and where conventional rooftop antennas are not effective distant network signals may be these subscribers' only source of network television service.

(14) There is a direct link between the widespread carriage of distant network stations in local network affiliates' markets and a local affiliate's loss of audience share and revenues, which could in turn harm the station's ability to serve its local community.

(15) Abrupt termination of satellite carriers' provision of distant network signals could have a negative impact on the ability of direct broadcast satellite service to compete effectively in the provision of multichannel video services.

(16) The public interest would be served by permitting direct broadcast satellite service providers to continue existing carriage of a distant network affiliate station's signal where—

(A) there is no local network affiliate;

(B) the local network affiliate cannot be adequately received off-air; or

(C) continued carriage would not be likely to materially harm local television service.

#### SEC. 3. PURPOSE.

The purpose of this Act is to permit subscribers of Direct Broadcast Satellite service who currently receive distant network stations to continue to receive this service to the extent that the Federal Communications Commission affirmatively finds that no local station would be likely to sustain audience and revenue loss that would materially affect that station's ability to continue to serve its local audience.

#### SEC. 4. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following:

#### "SEC. 337. CARRIAGE OF LOCAL TELEVISION SIGNALS BY SATELLITE CARRIERS.

"(a) PURPOSE.—The purpose of this section is to promote competition in the provision of multichannel video services while protecting the availability of free, over-the-air television, particularly for the 40 percent of American television households that do not subscribe to any multichannel video programming service, by—

"(1) enabling providers of direct broadcast service to offer their subscribers the signals of local television stations;

"(2) protecting the availability of free, over-the-air television broadcasting by requiring satellite carriers who rely on a compulsory copyright license to carry all local stations; and

"(3) accommodating, for an interim period, the inability of providers of direct broadcast service from carrying all local signals in all local television markets they seek to serve.

"(b) APPLICATION OF MANDATORY CARRIAGE TO SATELLITE CARRIERS.—The mandatory carriage provisions of sections 614 and 615 of the Communications Act will apply in a local market no later than January 1, 2002, to satellite carriers retransmitting any television broadcast station in that local market and pursuant to the compulsory license provided by section 122 of title 17, United States Code.

"(c) GOOD SIGNAL REQUIRED.—A local television broadcast station eligible for carriage under subsection (b) may be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier. The selection

of a local receive facility by a satellite carrier shall not be made in a manner that frustrates the purposes of this Act. The Commission shall promulgate any regulations necessary to assure that selection of local receive facilities is made in compliance with the intent of this Act.

**"(d) RULEMAKING REQUIRED.—"**

**"(1) SINGLE RULEMAKING REQUIRED.—**The Commission shall institute a single rulemaking, compliant with subchapter II of chapter 5 of title 5, United States Code, to examine the extent to which carriage of distant network stations already provided to subscribers on March 1, 1998, may continue without causing a projected loss of audience and revenue of such magnitude as to cause material harm to the viability of local stations.

**"(2) DETERMINATION REQUIRED.—**As part of the rulemaking required by this subsection, the Commission shall determine whether the application of network exclusivity, syndicated exclusivity, or sports exclusivity rules to carriage of distant network stations would serve the public interest.

**"(3) TIMEFRAME.—**The Commission shall complete all actions necessary to prescribe regulations it may adopt as a result of this rulemaking to be effective within 180 days after the enactment of the Satellite Television Act of 1999. Direct broadcast satellite service providers may continue existing carriage of distant network stations within local stations' Grade B contours until the effective date of such new regulations.

**"(4) TWO-THIRDS VOTE REQUIRED.—**Any regulations adopted under this subsection must be adopted by an affirmative vote of at least two-thirds of the members of the Commission.

**"(5) CERTAIN DBS SIGNALS.—**Direct broadcast satellite service providers may continue to carry the signals of distant network stations without regard to the provisions of this subsection in any situation in which such carriage would be consistent with rules adopted by the Commission in CS Docket 98-201.

**"(e) CABLE TELEVISION SYSTEM DIGITAL SIGNAL CARRIAGE NOT COVERED.—**Nothing in this section applies to the carriage of the digital signals of television broadcast stations by cable television systems.

**"(f) NO REMISSION OF LIABILITY.—**No action taken by the Commission pursuant to subsection (d) shall relieve any person from any liability for any violation of title 17, United States Code, or from the imposition of any remedy therefor.

**"(g) DEFINITIONS.—**In this section:

**"(1) TELEVISION BROADCAST STATION.—**The term 'television broadcast station' means a full power local television broadcast station, but does not include a low-power or translator television broadcast station.

**"(2) BROADCASTING NETWORK.—**The term 'broadcasting network' means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

**"(3) NETWORK STATION.—**The term 'network station' means a television broadcast station that is owned or operated by, or affiliated with, a broadcasting network.

**"(4) LOCAL MARKET.—**The term 'local market' means the designated market area in which a station is located. For a non-commercial educational television broadcast station, the local market includes any station that is licensed to a community within the same designated market area as the non-commercial educational television broadcast station.

**"(5) LOCAL RECEIVE FACILITY.—**The term 'local receive facility' means the reception

point in the local market of a television broadcast station or in a market contiguous to the local market of a television broadcast station at which a satellite carrier initially receives the signal of the station for purposes of transmission of such signals to the facility which uplinks the signals to the carrier's satellites for secondary transmission to the satellite carrier's subscribers.

**"(6) SATELLITE CARRIER.—**The term 'satellite carrier' has the meaning given it by section 119(d) of title 17, United States Code."

**SEC. 5. RETRANSMISSION CONSENT.**

(a) AMENDMENT OF SECTION 325(b).—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended striking the subsection designation and paragraphs (1) and (2) and inserting the following:

**"(b)(1)** No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

**"(A)** with the express authority of the station; or

**"(B)** pursuant to section 614 or section 615, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

**"(2)** The provisions of this subsection shall not apply to—

**"(A)** retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to subscribers if—

**"(i)** such station was a superstation on May 1, 1991; and

**"(ii)** as of July 1, 1998, such station was transmitted under the compulsory license of section 119 of title 17, United States Code, by satellite carriers directly to at least 250,000 subscribers;

**"(B)** retransmission of the distant signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the subscriber resides in an unserved household; or

**"(C)** retransmission by a cable operator or other multichannel video programming distributor (other than by a satellite carrier direct to its subscribers) of the signal of a television broadcast station outside the station's local market, if such signal was obtained from a satellite carrier and—

**"(i)** the originating station was a superstation on May 1, 1991; and

**"(ii)** the originating station was a network station on December 31, 1997, and its signal was retransmitted by a satellite carrier directly to subscribers.

**"(3)** Any term used in this subsection that is defined in section 337(g) of this Act has the meaning given to it by that section."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 1999.

**SEC. 6. DESIGNATED MARKET AREAS.**

Nothing in this Act, or in the amendments made by this Act, prevents the Federal Communications Commission from revising the listing of designated market areas (as defined in this Act) or reassigning such areas if the revision or reassignment is done in the same manner and to the same extent as the Commission's cable television mandatory carriage rules provide.

**SEC. 7. SEVERABILITY.**

If any provision of this Act or section 325(b) or 337 of the Communications Act of 1934 (47 U.S.C. 325(b), 337), or the application of that provision to any person or circumstance, is held by a court of competent jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that section, and the application of that provision to other persons and circumstances, shall not be affected.

**SEC. 8. DEFINITIONS.**

In this Act:

(1) TERMS DEFINED IN COMMUNICATIONS ACT OF 1934.—Any term used in this Act that is defined in section 337(g) of the Communications Act of 1934, as added by section 4 of this Act, has the meaning given to it by that section.

(7) DESIGNATED MARKET AREA.—The term "designated market area" means a designated market area, as determined by Nielsen Media Research and published in the DMA Market and Demographic Report. •

By Mr. FRIST:

S. 304. A bill to improve air transportation service available to small communities; to the Committee on Commerce, Science, and Transportation.

THE SMALL COMMUNITIES AIR SERVICE ACT OF 1999

By Mr. FRIST:

S. 306. A bill to regulate commercial air tours overflying the Great Smokey Mountains National Park, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE GREAT SMOKEY NATIONAL PARK OVERFLIGHTS ACT

• Mr. FRIST. Mr. President, I rise today to introduce two pieces of aviation legislation that I believe will improve the quality of life for Tennesseans. First, I would like to introduce "The Great Smoky Mountains National Park Overflights Act."

Last year, I was an original sponsor of the "National Parks Overflights Act" along with my colleague and Chairman of the Commerce Committee, Senator JOHN MCCAIN. I was proud to have my name associated with this legislation. But, in spite of overwhelming bipartisan support for this legislation in the Senate, an unrelated dispute in the conference committee with the House of Representatives led to its demise in the 105th Congress.

Last year's legislation would have affected many National Parks from coast to coast and even Hawaii. The legislation I am introducing today will only affect the Smokies. I am advancing a more limited approach because I believe the preservation of the Smokies and the safety of park visitors are far too important to include with other more contentious legislative efforts.

As the air tour industry in many parks continues to grow, safety concerns also increase. By addressing safety now, before tragic accidents occur, we can assure the public that we have taken every precaution to protect visitors in our parks. Under this legislation, the Federal Aviation Administrator will work in tandem with the Secretary of the Interior to ensure public health and safety goals are met while concurrently maintaining the natural beauty and serenity of our Smoky Mountains National Park. This bill makes park overflight passenger safety a paramount concern for the Federal Aviation Administrator, who, in consultation with the Secretary of the Interior, will set minimum altitudes for overflights and will prohibit

flights below those minimum altitudes where necessary to meet safety goals.

This legislation also takes a crucial first step toward restoring and preserving a vital resource within the Smokies—natural quiet. The natural ambient sound condition found in a park, or natural quiet, as it is commonly called, is precisely what many Americans seek to experience when they visit some of our most treasured national parks. Natural quiet is as crucial an element of the natural beauty and splendor of certain parks as those resources that we visually observe and appreciate.

I believe that this critical environmental legislation strikes a careful balance between the reasonable concerns of those in the air tour industry and the environmental necessity of preserving the natural quiet of the Smokies. I am a pilot and I know well the beauty and thrill of flying low. The Smokies beg for more restraint. They must be enjoyed from a responsible altitude where the noise of our aircraft does not disturb the life and majesty below our wings.

The second piece of legislation that I would like to introduce today is the Air Service Improvement Act of 1999. As many of my colleagues know, I have spent considerable time working with airport managers, airlines and many others attempting to solve the problems of underserved small communities. It became clear to me early on that there is no silver bullet solution. Rather, a learning process has taken place where we have discovered what has worked best for the individual communities in question. Moreover, the problems of small communities are related to the competition issues at larger, well-served airports. Tennessee is experiencing both problems.

In Memphis, there is certainly adequate service, but limited competition results in high fares. In the Eastern part of our State, there are several communities that have little competition and limited service. We can do better.

It is critical that we remember that deregulation has been remarkably successful in spite of the "pockets of pain" in some communities. Therefore any changes must be made with an emphasis on the free market and not be regulatory in nature. Deregulation has served most Americans well and should not be dismantled.

With that prologue, I would like to go through some of the provisions of the Small Communities Air Services Act. For most small and medium sized communities that are underserved, access is the key. These airports must have access to major hubs that provide network benefits. When travelers in the Tri-Cities have jet service to Chicago they can conveniently connect to nearly any city in the world. And indeed, much of the improvements the underserved markets of Chattanooga and the Tri-Cities have seen over the past two years has been from the Department of Transportation adding

slots that created additional access to Chicago.

With access to the Nation's four slot-controlled airports as a primary goal, I am proposing that the Secretary of Transportation be required to approve all applications from underserved small and medium-sized communities that partner with an air carrier that is willing to serve their market. The Secretary will retain the right to deny applications only if the Federal Aviation Administration certifies that the increase in operations is unsafe or if increase in operations violates the National Environmental Policy Act. In short, if an additional flight from an underserved area is safe and does not have adverse environmental effects the slot shall be awarded.

Additionally, I am introducing provisions that I worked closely with Chairman MCCAIN on last year. These include a grant program for small communities, an in-depth study on market-based incentives using regional jets, and numerous safety programs affecting small communities including an FAA tower program. It is my belief that collectively, this initiative will diminish many of the challenges that underserved communities now face.

Again, it is my strong belief that both the Overflights legislation and the Air Service Act will improve significantly the quality of life for Tennesseans. I thank my colleagues for their consideration of these proposals, but I would especially like to thank the Majority Leader TRENT LOTT and Chairman JOHN MCCAIN for their considerable assistance. •

By Mr. MCCAIN (for himself and Mr. BRYAN):

S. 305. A bill to reform unfair and anticompetitive practices in the professional boxing industry; to the Committee on Commerce, Science, and Transportation.

#### MUHAMMAD ALI BOXING REFORM ACT

• Mr. MCCAIN. Mr. President, I am introducing the Muhammad Ali Boxing Reform Act in the 106th Congress. This legislation would establish a series of practical reforms to reduce interstate restraints of trade in the industry; protect boxers from exploitative business practices; reduce arbitrary practices by sanctioning organizations; and increase financial disclosure requirements to prevent misconduct by promoters and sanctioning bodies. The legislation I am introducing today is the same version of the Ali Act that was reported out of the Senate Commerce Committee and passed by the Senate last year.

I am pleased to again have the co-sponsorship and sound counsel of my colleague from Nevada, Senator RICHARD BRYAN. He has a strong interest and long record of promoting responsible oversight of the professional boxing industry. Boxing is of course a major industry in Nevada, and Senator BRYAN has worked closely with his State's athletic commission to assess and propose effective measure to make

boxing a more respected and healthy industry.

I have attached a summary of the Ali Act to concisely describe its major provisions. The bill is a modest and practical proposal which would simply curb some of the most egregious and anti-competitive practices which have exploited athletes and undermined the integrity of the boxing industry. Senator BRYAN and I worked with state commissioners and credible boxing industry leaders from across the U.S. to develop the Ali Act. It requires no public funding and would create no new bureaucracy at any level of government. This legislation instead requires adherence to fair business practices and public disclosure requirements designed to significantly reduce abusive practices in the sport.

It is worth noting that the public response to the Ali Act has been tremendous. We have received strong praise for this legislation from every sector of the industry and, most importantly, from boxers themselves. It is to be expected that certain vested interests in professional boxing industry will not welcome any reforms of anti-competitive and confiscatory business practices in the sport. However, the Ali Act will clearly improve the sport in the public interest, and will not inhibit any legitimate business practices. If enacted, the professional boxing industry will not only be free of certain types of abusive and unethical business practices, but competition should surely increase. Competition is the heart of any sport, and fair, open competition is the key to a sport's success. I look forward to the day when boxing achieves the reputation of credible competition and fair business practices for its athletes.

I will work with members of the Senate Commerce Committee to promptly bring the Ali Act before the full Senate this year. With the Ali Act also being introduced in the House of Representatives in the near future, I am hopeful that 1999 will be the year the professional boxing industry in America embarks on a new path of fair business practices, legitimate rankings, and enhanced integrity.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

#### THE MUHAMMAD ALI BOXING REFORM ACT

##### PROTECTING BOXERS FROM EXPLOITATION

(a) Declares that all contracts between boxers and promoters must contain specific terms regarding the length of time it covers, and the minimum number of bouts per year for the boxer.

(b) Limits certain "option" contracts between boxers and promoters to one year. (Those where a boxer is forced to provide options to a promoter, as a condition of getting a particular bout. Prevents promoter from controlling a weight division by coercing options from all boxers.)

(c) Prohibits a promoter from forcing a boxer to hire an associate, relative, or any

other individual, as the boxer's manager, or in any other employment capacity. (This stops a promoter from grabbing another 33% of a boxer's purse; mirrors the regulation of most state commissions.)

(d) Prohibits conflicts of interest between managers of a boxer and the promoter. (Managers should be an independent advocate for the boxer—not serve the financial interests of promoter.)

#### SANCTIONING ORGANIZATION INTEGRITY REFORMS

(e) Sanctioning organizations (abbreviation: "SO") conducting business in the U.S. must establish objective and consistent criteria for the ratings of professional boxers.

(f) Each year, SO's must provide the following information either on a publicly accessible website, or to the FTC: their bylaws, ratings criteria, and roster of officials who vote on their ratings.

(g) When an SO changes their rating of a U.S. boxer, it must inform the boxer in writing of the reason for the change. Each SO must establish an appeals process (i.e. exchange of correspondence) for boxers in the U.S. to contest their ranking in writing.

(h) No SO can receive payments or compensation from a promoter, boxer, or manager, except for the established sanctioning fee and expenses they receive for sanctioning a bout, which must be reported to the relevant State commission.

#### PUBLIC INTEREST DISCLOSURES TO STATE BOXING COMMISSIONS

(i) SO's must disclose to a state boxing commission all charges and fees they will impose on the boxer(s) competing in the event, as well as all payments and revenues the SO receives.

(j) The promoter(s) affiliated with each event shall file a complete and accurate copy of all contracts they have with the boxer pertaining to the event, with the boxing commission prior to the event, and disclose in writing all fees and costs they will assess on the boxer(s). Club level boxing events (those less than 10 rounds) are excluded. No burden on small business.

#### ENFORCEMENT

(k) Civil and Criminal penalties similar to the existing federal boxing law, but fines are higher to deter major promoters from violations. Also, allows enforcement by State Attorney Generals.

#### NOTES

1. The Ali Act requires no federal or state funds and creates no new federal bureaucracy.●

#### ADDITIONAL COSPONSORS

##### S. 3

At the request of Mr. GRAMS, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

##### S. 5

At the request of Mr. DEWINE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

##### S. 7

At the request of Mr. DASCHLE, the name of the Senator from North Da-

kota [Mr. DORGAN] was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

##### S. 11

At the request of Mr. ABRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 11, a bill for the relief of Wei Jingsheng.

##### S. 14

At the request of Mr. COVERDELL, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

##### S. 19

At the request of Mr. DASCHLE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 19, a bill to restore an economic safety net for agricultural producers, to increase market transparency in agricultural markets domestically and abroad, and for other purposes.

##### S. 30

At the request of Mr. DASCHLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 30, a bill to provide countercyclical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes.

##### S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

##### S. 92

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

##### S. 94

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 94, a bill to repeal the telephone excise tax.

##### S. 99

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 99, a bill to provide for continuing in the absence of regular appropriations for fiscal year 2000.

##### S. 135

At the request of Mr. DURBIN, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance

costs of self-employed individuals, and for other purposes.

##### S. 148

At the request of Mr. ABRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

##### S. 192

At the request of Mr. KENNEDY, the name of the Senator from Indiana [Mr. BAYH] was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

##### S. 241

At the request of Mr. JOHNSON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 241, a bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture for beef and lamb may not be used for imported beef or imported lamb.

##### S. 246

At the request of Mr. HAGEL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 246, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

##### S. 271

At the request of Mr. FRIST, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

##### S. 280

At the request of Mr. FRIST, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

##### S. 289

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 289, a bill to amend the Public Health Service Act to permit faith-based substance abuse treatment centers to receive Federal assistance, to permit individuals receiving Federal drug treatment assistance to select private and religiously oriented treatment, and to protect the rights of individuals from being required to receive religiously oriented treatment.

##### S. 292

At the request of Mr. DOMENICI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 292, a bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

#### SENATE JOINT RESOLUTION 2

At the request of Mr. KYL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of