

the administration's program go forward, it will mean additional pressure on these young people, and in the long run a deficit to the quality of education in this country.

I yield the remaining time to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have?

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

The Senator from Minnesota has 2½ minutes.

Mr. WELLSTONE. Mr. President, does the Senator from New Jersey want to speak as well on this subject?

Mr. TORRICELLI. I will be happy to if the Senator has time.

Mr. WELLSTONE. I will yield to the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I ask unanimous consent that I be able to follow Senator MCCAIN in the order, speaking later, for 10 minutes.

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

The PRESIDING OFFICER. The Senator from Arizona.

#### DIGITAL BROADCASTING

Mr. MCCAIN. Mr. President, today is the 1st of May. It is significant in U.S. history for major technological achievements. On this day in 1935, the Boulder Dam, later renamed for President Herbert Hoover, was completed. On May 1, 1947, radar for commercial and private aircraft was first demonstrated. On May 1, 1844, Samuel Morse sent the first telegraph message. All of these achievements represented significant technological milestones that have greatly benefited millions of Americans.

May 1, 2002, was supposed to be a wonderful day that represented another technological milestone for American television viewers. Today is the deadline for all commercial television stations in the United States to be broadcasting a digital signal. Theoretically, consumers should now be able to receive a digital signal from each and every commercial broadcaster in the country. Unfortunately for consumers, a vast majority of broadcasters have missed today's deadline, leaving consumers' digital TV tuners with little more than static. In fact, according to recent figures from the FCC and the National Association of Broadcasters, over 1,011, or 77 percent, of commercial broadcasters have failed to meet the May 1 deadline. Moreover, 834 commercial stations filed waiver requests with the FCC seeking an extension to complete the construction of their digital facilities.

The transition to digital television has been a grave disappointment for American consumers but not surprising to this Member. It is nothing short of a spectrum heist for American taxpayers. I will read a few headlines that recently appeared in newspapers across

the country: The Boston Globe, "Missed Signals: Many TV Stations Seen Lagging on Deadline to Offer High Definition." San Jose Mercury News: "Static Blurs HDTV Transition. Industries Squabbling Stalls Digital Television." USA Today: "Digital TV Revolution Yields Mostly White Noise." And finally, the most remarkable headline from Monday's New York Times: "Most Commercial Broadcasters Will Miss Deadline For Digital Television."

This morning's USA Today states:

Today was supposed to be a milestone in the grand conversion to digital broadcast television. Instead it serves as a marker for how poorly the transition is going . . . At the current pace, broadcasters will be able to keep all of their spectrum, digital and analogue, in perpetuity. That means a substantial chunk will remain locked up in broadcasters' hands instead of being put to more valuable uses, such as for advanced cell phone services. Not only are those needed, the spectrum also could be sold for billions, aiding a deficit-laden U.S. Treasury.

I ask unanimous consent that the editorial and other news items be printed in the RECORD.

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

[From USA Today, May 1, 2002]

#### DIGITAL TV "REVOLUTION" YIELDS MOSTLY WHITE NOISE

Today was supposed to be a milestone in the grand conversion to digital broadcast television. Instead it serves as a marker for how poorly the transition is going.

By now, every commercial broadcast station should have been sending its signal digitally. With just a regular TV antenna and a digital tuner, families were supposed to be getting their favorite TV shows in crystal-clear pictures and theater-quality sound.

So far, though, the revolution is a dud. Only about 25% of commercial stations offer a digital version of their broadcast signal, according to a report from Congress' General Accounting Office. And few programs are produced in the highest-quality HDTV format. Little wonder that just 200,000 digital over-the-air tuners were sold last year, compared with more than 22 million analog sets.

This is all a far cry from the revolution the broadcast industry promised six years ago. That's when Eddie Fritts, president of the National Association of Broadcasters, proclaimed that "America will embrace digital TV quickly and enthusiastically."

The hype, plus a heavy dose of big-money lobbying, persuaded Congress to give \$70-billion worth of extra spectrum to the broadcast industry for free so it could transmit digital and old-fashioned analog signals during the transition. By 2006, 85% or more homes were to have made the switch to digital. Then the old analog signal was to be turned off, and broadcasters were to return the analog spectrum to the taxpayers who financed their gift.

At the current pace, though, broadcasters will be able to keep all of their spectrum, digital and analog, in perpetuity. That means a substantial chunk will remain locked up in broadcasters' hands, instead of being put to more valuable uses, such as for advanced cell phone services. Not only are those needed, the spectrum also could be sold for billions, aiding a deficit-laden U.S. Treasury.

Confronted with this faltering transition, broadcasters are casting blame in all direc-

tions: Cable companies don't carry their digital offerings, which means a big chunk of potential viewers can't get high-definition broadcasts. Only a tiny fraction of TVs have digital tuners. Hollywood doesn't produce enough digital content. The Federal Communications Commission isn't issuing enough mandates.

These complications have hampered the move to digital. But at bottom, they are distractions designed to hide broadcasters' unwillingness to fulfill the promise they made in exchange for all of that free spectrum.

Outside the broadcast industry, in fact, the conversion to digital TV is moving along pretty smoothly. More than 15 million consumers subscribe to digital cable, and 17.5 million homes get digital TV via small home-satellite dishes. HBO produces more high-definition digital content in any given week than all of the broadcast networks combined. This summer, the Discovery Channel will offer an all-high-definition service.

Viewers snapped up 12 million DVD players last year alone so they could watch digital movies. And digital TV monitors—which don't come with digital over-the-air tuners—are selling briskly.

Broadcasters were right. Consumers want the benefits of digital TV. Now it's time for broadcasters to live up to their bargain.

[From the Boston Globe, Apr. 26, 2002]

#### MISSED SIGNALS MANY TV STATIONS SEEN LAGGING ON DEADLINE TO OFFER HIGH DEFINITION

(By Peter J. Howe)

Roughly three-quarters of second-tier television stations in the United States are likely to miss next Wednesday's deadline to begin transmitting at least some programming in crystal-clear "high-definition" format, according to a survey being released today by the General Accounting Office, Congress's watchdog agency.

Among the more than 800 US TV stations involved are Boston's channels 38 and 56, which said yesterday they have been given federal waivers to miss the May 1 deadline set by Congress six years ago. Station executives said because of technical challenges, it will probably be early summer at the soonest before they start carrying programs in the high-definition format.

US Representative Edward J. Markey of Malden, who is the ranking Democrat on the House telecommunications subcommittee and commissioned the GAO study, said last evening the fitful progress shows the need for federal regulators to impose "clear deadlines and real punishments" for HDTV laggards. "Some combination of the Federal Communications Commission and Congress has to force a resolution of the conflicts which exist amongst industries which have paralyzed the development of digital TV," Markey said. "We can no longer just stand on the sidelines and allow the consumer to be deprived of the benefits of this remarkable technology."

Six years ago, hoping to accelerate a shift many advocates said would be even more radical than moving from black-and-white to color TV two generations ago, Congress enacted legislation calling for all 1,600 US public and commercial TV stations to move by 2006 to a format that provides much clearer, all digital, wide-screen images more like a cinema than TV.

Images in HDTV are made up of nearly six times as many pixels, or dots, as standard analog transmissions enabling viewers to see details like individual blades of grass in a baseball close-up or faces in a stadium crowd.

The law called for 119 large-market TV stations affiliated with ABC, CBS, NBC, and

Fox to begin transmitting some HDTV content by May 1999, a deadline that has largely been met—although the Sept. 11 terrorist destruction of the World Trade Center towers in New York knocked five digital stations off the air there.

The second in a series of deadlines, coming May 1, calls for 1,121 stations in secondary and rural markets—and the smaller stations in big markets, like Boston's WSBK-TV (Ch. 38) and WLVI-TV (Ch. 56)—to transmit at least some HDTV programming.

But the GAO found that 74 percent of those stations that responded to a survey said they do not expect to meet the deadline. They cited the huge expense of upgrading studios and transmitters for HDTV, low consumer interest in buying \$1,000-plus TV sets that can bring in HDTV signals, and practical issues such as a shortage of specially trained crews that can climb up thousand-foot towers to install new antennas.

In Boston, a spokeswoman for WLVI-TV (Ch. 56), Kristen Holgerson, said, "We will probably be going on the air with HDTV sometime in June, but there's no specific date."

Bob Hess, director of engineering and operations for the CBS/Viacom-owned channels 4 and 38 in Boston and 28 in Providence, said setting up high-definition transmitting equipment for Channel 38 has been bogged down "for some very legitimate technical reasons."

Among them was that the FCC's random-allocation process led to Channel 38 getting Channel 39 for its HDTV signal, creating huge challenges for station technicians to figure out how to install transmitters on their Needham Heights tower that would not interfere with the existing analog Channel 38.

"I'm expecting it to be on in early summer," Hess said, but added that "nothing is easy and nothing is fast."

Earlier this month, FCC chairman Michael K. Powell tried to kick-start HDTV, using a speech at a broadcasters' convention to encourage a purely voluntary effort to have television networks show more HDTV programming. TV set makers produce more sets that can get the signals, and cable television networks—which roughly two-thirds of Americans use to watch local channels—agree to add HDTV channels to their lineups.

Markey, however, said the GAO study shows that Powell cannot rely on a market approach to get the job done. He noted that a third of TV stations surveyed by the GAO that have gone to HDTV said they would not have met the deadline without being ordered to by the government—and many said without government pressure, it would be long after 2010 before a market developed.

"The FCC still is standing on the sidelines without a clear program," Markey said.

Dennis Wharton, a spokesman for the National Association of Broadcasters, said while hundreds of stations will not make the May 1 deadline, "Most of them will be on the air within three to 12 months. This is very short-term issue from the broadcasting industry's perspective."

Wharton predicted that by next year, officials will be focusing their ire on TV set makers' and cable TV conglomerates' role in slowing HDTV adoption.

By most estimates, fewer than 2 million US homes have been willing to pay the exorbitant prices for HDTV sets that can bring in special programming from the big networks only 30 to 40 hours a week. Fewer than 150,000 of the sets were sold in the US during March, according to the Consumer Electronics Association, despite the draw of CBS broadcasting college basketball and the Masters Golf Tournament in high-definition format.

Among high-end TV buyers, however, "the consumer interest is unbelievable," said Jeffrey Stone, president of Tweeter, the 158-store home electronics chain. He said in the winter quarter, 91 percent of customers buying projection-screen TVs opted to pay the \$300-plus premium to get HDTV capability, and 60 percent of conventional "tube TV" sales were HDTV units.

"There's just no comparison" to standard TV, Stone said, recalling a basketball game he watched where "you could count the individual beads of sweat on Michael Jordan's head. It looks more real than real life."

[From the San Jose Mercury News, Apr. 13, 2002]

#### STATIC BLURS HDTV TRANSITION; INDUSTRIES' SQUABBLING STALLS DIGITAL TELEVISION

(By Dawn C. Chmielewski)

Federal regulators are working furiously to revive the faltering transition to digital television, even as two-thirds of the nation's commercial stations say they will be unable to meet a May 1 deadline to start digital broadcasts.

Some 877 commercial stations have told the Federal Communications Commission they would be unable—for financial, legal or technical reasons—to start digital broadcasts. That leaves half the nation's population, mostly those in small cities or rural areas, without access to crisp, digital television signals, federal regulators say.

As broadcasters prepared for this week's National Association of Broadcasters (NAB) convention in Las Vegas, FCC Chairman Michael K. Powell outlined a series of voluntary measures for broadcasters, television manufacturers, cable companies and home satellite providers to avert what he once described as "a potential train wreck." The recommendations triggered a fresh round of finger pointing, as each industry blamed the other for the halting transition to digital TV. Powell called on the four major broadcast networks, together with cable networks HBO and Showtime, to broadcast half of this fall's prime-time lineup in cinematic high-definition TV or offer digital broadcasts with enhanced features, such as interactivity. High-definition TV offers near-cinematic picture quality while digital broadcasts are equivalent to what satellite TV subscribers currently receive.

By January, Powell proposed, network-affiliated stations in the nation's 100 largest markets would broadcast an enhanced digital signal to the 2.5 million people who own digital TV sets. At the same time, cable and satellite operators must begin carrying the digital programming.

TV manufacturers, for their part, must begin to make television sets with built-in tuners to receive the over-the-air digital broadcasts. Only 20 of the more than 300 models of digital TV sets manufactured currently come with such integrated receivers. For the vast majority of consumers, the only way to currently receive digital signals over the air is with a separate set-top receiver and antenna.

"We embrace the principles embodied in the Powell plan. We encourage our friends in allied industries to do likewise," said Edward O. Fritts, president and chief executive of the National Association of Broadcasters, in the opening address to the convention. "This transition is far too important to consumers to risk further delay."

Industry trade groups applauded Powell for trying to spur the moribund digital TV transition, even as they pointed to obstacles that would make it difficult to comply with his recommendations. The broadcasters say 274 stations already beam digital signals into

the nation's largest cities. But the owners of small-market stations, such as San Jose's KKPX (Ch. 65), see little point in investing a reported \$1 million to \$2 million on the digital conversion, when fewer than a half-million consumers nationwide own the set-top boxes and antennas needed to tune in the digital broadcasts.

HDTV is widely regarded as the driving force that will entice consumers to make the migration to digital. But the majority of cable systems, which provide television programming to 67 percent of American households, still don't carry the networks' high-definition broadcasts of events like the Winter Olympics or the NCAA Men's Basketball Tournament in fewer than a dozen markets.

So station owners feel little urgency to flip the digital switch.

"Most people don't have digital TV," said Nancy Udell, a spokeswoman for KKPX parent Paxson Communications. The station received an FCC extension to the May 1 deadline, buying it time to explore a lower-cost method of simultaneously transmitting the digital signal alongside its analog broadcasts.

The National Cable and Telecommunications Association (NCTA), meanwhile, says its member services will carry high-definition television network programming when consumers demand it—or competition from digital satellite services such as EchoStar or DirecTV compels it. Indeed, they already carry high-definition HBO and Showtime channels in 280 cities across the country.

"We've said all along, when the demand is there, this will take care of itself," said Marc O. Smith, spokesman for the NCTA.

The consumer electronics manufacturers, meanwhile, say they're unable to build cable-ready sets, because the cable industry has yet to settle on a standard for digital TV reception. And the set of working specifications developed by the industry's research arm, CableLabs, contain content protection that would give Hollywood studios the power to halt home recording or, alternatively, blur the picture resolution.

"No manufacturer has been stupid enough to sign the agreement yet," said Bob Perry, marketing vice president for Mitsubishi Consumer Electronics America, the nation's leading maker of projection televisions.

The Gordian knot of digital television may ultimately be unraveled in the halls of Congress. Later this month, the Consumer Electronics Association and legislators will convene a summit to discuss strategy for speeding the rollout.

[From the New York Times, Apr. 29, 2002]

#### MEDIA; MOST COMMERCIAL BROADCASTERS WILL MISS DEADLINE FOR DIGITAL TELEVISION (By Stephen Labaton)

Another milestone in the nation's tortured transition to digital television is about to be missed. Almost three-quarters of the commercial broadcasters that were supposed to be offering a digital signal by Wednesday will fail to make the deadline.

The delay is a further indication that the federally mandated transition to digital broadcasting will take longer than the planners had expected in the mid-1990's. But the missed deadline comes as no surprise. Hundreds of stations have been filing requests for extensions recently, citing a variety of financial and technical reasons. A report issued last week by the General Accounting Office found that 74 percent of the stations that were supposed to be emitting a digital signal by the May 1 regulatory deadline would be unable to do so. The report said most of the delinquent stations had cited the high cost of new technology. For stations in transition, the expenses averaged 63 percent of annual revenue for a technology that adds nothing discernible to the bottom line. The

report also noted the relatively low consumer interest caused by the high prices of digital TV sets and a host of technical issues like tower constructions.

Despite the difficulties, 95 percent of the major network affiliates in the top 30 markets are already offering digital broadcasting, and their signals reach about half of the population. But the failure of the smaller broadcasters is symbolic of a much larger nagging problem of aligning the technical and financial interests of a handful of industries—broadcasters, programmers, cable operators and electronic equipment makers—to make digital television accessible at affordable prices to consumers.

"It's a very complicated transition with lots of moving parts," said Rick Chessen, the chairman of a regulatory task force supervising the government's oversight of the conversion to digital television.

Digital television, which Congress and policy makers have been promoting the last six years, offers crisper images and sound, reduced interference and the prospect of viewers communicating through the set much the way they now do on the Internet. But transforming TV from analog to digital has public-policy significance beyond pretty pictures and greater viewer participation.

Policy makers of varying approaches agree that, by using a far smaller sliver of the electronic spectrum, digital significantly frees the airwaves for more productive use by other industries, including wireless communications, whose proponents are clamoring for more licenses. Once digital penetrates 85 percent of the nation's viewing market, the law requires broadcasters to surrender their analog-spectrum licenses back to the government to be reissued to other commercial ventures at auction. As a result, analysts and policy makers agree that the longer the digital transition, the greater the economic overhang.

"Spectrum is critical for us to have economic growth," said Blair Levin, a former top official at the Federal Communications Commission who is a regulatory analyst at Legg Mason. "To the extent it is tied up, it represents a huge drag on the economy."

The rollout of digital TV has stalled over many uncertainties about how to do so profitably. Broadcasters, particularly smaller ones, see little or no financial benefit yet in offering digital signals. Consumers cannot find high-definition television sets at affordable prices. Programmers have moved slowly in offering shows of digital quality. Cable operators have only just begun, in small pockets, to transmit digital signals.

Hoping to break the logjam, Michael K. Powell, the F.C.C. chairman, has called for the major industrial players to impose their own voluntary deadlines.

"You will get on this train in the right way, or it will run you over," he said this month at the annual conference of the National Association of Broadcasters.

Mr. Powell urged the four major networks and other major programmers to digitally broadcast at least half of their prime-time shows by this fall. He asked cable and satellite companies to carry some digital programs by the beginning of next year at no extra cost to subscribers. And he proposed deadlines over the next four years for television makers to increase their production of sets that include digital tuners.

Others long engaged in the debate say that Mr. Powell's proposal is not enough, and that in some instances it asks industry players to do little more than they had previously pledged. While there is no momentum on Capitol Hill for the imposition of sanctions on tardy industry players or subsidies to encourage faster transition, some lawmakers are calling for legislation to prod a faster conversion.

"Our digital policy is a mess, and in the absence of the federal government intervening with a comprehensive policy, the American consumer is unlikely to ever receive the full benefits of the digital revolution," said Representative Edward J. Markey, Democrat of Massachusetts, who is ranking Democrat on a House subcommittee on telecommunications. "Voluntary approaches don't work. A voluntary policy is what got us to today's mess. What we've wound up with now is the broadcast industry and cable industry engaged in spectrum hostage-taking with no end in sight, and no relief for the benefit of consumers."

Federal rules required the 119 largest network affiliates to begin transmitting some digital programs by May 1999. That deadline has largely been met.

By Wednesday, 1,121 smaller stations were supposed to be in compliance, but nearly three-quarters will fail to meet the deadline. But industry officials said that they expected most of the broadcasters to be in compliance by the end of the year.

"We consider this a short-term issue affecting mostly small and medium market broadcasters," said Dennis Wharton, a spokesman for the National Association of Broadcasters.

Mr. MCCAIN. Broadcasters have not only missed today's deadline but they have broken their promise to Congress and American consumers. In testimony before the Commerce Committee in 1997, the National Association of Broadcasters stated:

We agreed to an aggressive rollout for this new technology . . . Broadcasters have made a compact with Congress concerning high definition television. We will meet our commitments.

I did not believe that at the time, and I know it is not true now. This is a \$70 billion rip-off on the part of the National Association of Broadcasters, pure and simple. Today it is clear that three-quarters of those broadcasters have not met their commitments, and their failure to do so is slowing the transition to digital television. A slow transition affects Americans not only as consumers but also as taxpayers.

Broadcasters were given \$70 billion in spectrum to facilitate the transition on the condition that they return it when the transition is complete. By failing to meet today's deadline, broadcasters continue to squat on the taxpayers' valuable resource.

While I am generally disappointed and frustrated by the broadcasters' failure to live up to their promises, I recognize some television networks are contributing to the transition. For example, CBS has been one of the leaders in providing digital content to consumers. They broadcast a large majority of their prime time schedule in high definition—approximately 16 hours a week. In addition, ABC is currently broadcasting all of their scripted prime time programming in high definition. Providing compelling content to consumers is an important component to the DTV transition. The more stations that are DTV capable and are broadcasting in high definition, the more consumers will migrate to this new technology and purchase products that allow them to view enhanced programming.

I believe broadcasters, as beneficiaries of this great American spectrum rip-off, bear heightened responsibility for facilitating the DTV transition. I recognize that if even the broadcasters were to meet their commitments, the transition would not necessarily be complete. Digital broadcast is one cylinder of the engine needed to drive the transition. Many other issues still remain unsolved, and I do not underestimate the amount of work that needs to be done. Michael Powell, chairman of the FCC, has recognized this. In what I believe is a step in the right direction, Chairman Powell has advanced a proposal that incorporates provisions for all of the industries involved with the DTV transition and asks for voluntary cooperation to accelerate the transition.

Chairman Powell has called for the top four networks to provide DTV programming during at least 50 percent of their prime time schedule beginning in the 2002-2003 season and has asked DTV affiliates of the top four networks in major markets to obtain and install the equipment necessary to broadcast a digital signal and inform viewers that digital content is being broadcast.

The proposal also calls on cable operators with 750 megahertz systems or higher to offer to carry, at no cost, the signals of up to five broadcast or other digital programming services. Additionally, the proposal asks the direct broadcast satellite industry to carry the signals of up to five digital programming services that are providing DTV programming during at least 50 percent of their prime time schedule.

Finally, the proposal calls on the equipment manufacturers to include over-the-air DTV tuners in new broadcast television receivers between 2004 and 2006. I understand that certain industry representatives, including broadcast networks and earlier today the cable industry, have expressed a general willingness to answer Chairman Powell's call. I think this is also a step in the right direction. I am hopeful these commitments will lead to results. Unfortunately, the last commitments obviously did not.

Make no mistake, I continue to be a firm believer in market forces, which is why I believe this voluntary proposal is an appropriate step at this time. We must be mindful, however, that valuable public resources are at stake. Should the transition continue to be delayed, alternative measures will need to be taken in order to reclaim the spectrum for which so many other productive uses can be found and which rightfully belongs to the American taxpayers.

I believe, therefore, the Congress needs to be prepared to intervene, if necessary, to protect the taxpayers of this country. If significant progress is not made in the DTV transition, then I will introduce legislation that will not be voluntary. Codifying Chairman Powell's voluntary proposal may be the mildest measure we should consider.

Let me emphasize the importance of this point. Significant progress needs to be made on the DTV transition. If progress continues to stall, then perhaps a more aggressive approach such as reclaiming the spectrum from the broadcasters beginning January 1, 2007, will be required.

In closing, I realize this transition has not been easy for all the industries involved. Some of the industries have made intensive efforts, devoting significant time and resources to make DTV a reality, but many difficult issues surrounding the DTV transition still remain.

During a 1998 Commerce Committee hearing on DTV transition, I stated I would not suggest the Government now ought to step up and immerse itself in micromanaging every piece of this process. While I still believe the Government is not good at micromanaging, I believe the hour is nearing when the Government should step in and find solutions to the mess we helped create. More importantly, I believe Congress has a duty to protect the taxpayers of this country and reclaim spectrum so it may be put to its best use.

I will finish with one final observation: For the most part, the Telecommunications Act of 1996 has failed to live up to its promises to consumers. I believe its failures can teach us a valuable lesson while we watch many of the same industries involved in the passage of the act grapple with conversion to DTV.

The lesson we should have learned from the failure of the 1996 Telecom Act is that the interests of major telecommunications companies and average American consumers are not the same. Where the interests of the industries and the interests of the consumers diverge, Congress must assure that the consumers come first. The failures of the Telecommunications Act show what happens when Congress first fails to see where the interests of industries are incompatible with the interests of consumers, and then fails to act once it does. I intend not to let this happen and will move forward with legislation should progress not be made in the coming months.

I say again, when we gave away \$70 billion to the broadcasters, I knew at the time they would never meet this time schedule. It was a dirty little secret. They have not met it.

The Senator from New Jersey is on the floor. We tried to get some free television time for candidates. They certainly could not afford that. They are not acting in the public interest, and it is time they started acting in the public interest. There is no more powerful lobby in this town than the National Association of Broadcasters, and abuses have never been greater.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senator from Minnesota is recognized for a period of up to 10 minutes.

Mr. REID. If I could ask my friend to yield for a unanimous consent request,

I ask unanimous consent that following the statement of the Senator from Minnesota, Senator TORRICELLI be recognized for 30 minutes as in morning business, and following that, Senator LOTT or his designee be recognized for up to 40 minutes.

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

The Senator from Minnesota.

#### TELECOMMUNICATIONS

Mr. WELLSTONE. Mr. President, I have a couple of matters to cover. I caught the end of Senator MCCAIN's statement. I point out to colleagues the link between the telecommunications bill that passed in 1996 and reform.

I remember the anteroom was packed with all kinds of interests representing billions of dollars. I was trying to figure out where truth, liberty, and justice was in the anteroom. I think the consumers were left out.

We have not seen cable rates go down, but we have seen consolidation. For those who worry about competition, I argue when we look today at telecommunications and the mass media, we see a few conglomerates controlling the flow of information in the democracy. That is frightening.

If there was a sector of the economy that is ripe for antitrust action, this is one—along with the food industry.

#### MENTAL HEALTH PARITY

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials—one from the New York Times, and one from the Minneapolis Star Tribune—about the importance of ending discrimination in mental health coverage and calling for full mental health parity.

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

[From the Minneapolis Star Tribune, May 1, 2002]

#### BRAIN STORM AT LAST, BUSH GRASPS A MEDICAL FACT

President Bush took a grand leap on Monday—one many observers thought he'd never dare to take. He at last acknowledged that the brain is a part of the body.

Scientists, of course, have suspected as much for years; the president's declaration is sure to bolster their self-esteem. It will also open the door to a long-awaited policy change: If the brain is in fact yet another bodily organ, it certainly makes sense that its disorders be covered by the same medical-insurance rules that apply to every other bodily dysfunction.

This logic is not lost on the president, and on Monday he went out of his way to endorse legislation that would force insurers to treat brain disorders just like other medical illnesses. That would bring an end to the practice of assuring ample health coverage when the pancreas peters out of insulin but scrimping on care when the brain is short on serotonin. That sort of discrimination keeps sick people sick, Bush said, and contributes to the stigma suffered by people with brain diseases. The answer, Bush made plain, is

“full mental health parity”—a promise he says he'll work with Congress to fulfill.

This is phenomenal news, and it has the bill's top backers over the moon. Sen. Paul Wellstone's name may have been omitted as the president pushed his concept, but the Minnesota senator is too happy to care. Last year his mental health parity bill died an ignominious death in conference committee, after administration and Republican leaders buckled to insurers' complaints that the bill would be too costly.

Medical coverage for the brain—too costly to cover? Tell that to America's epileptics, whose disability has long been covered because it's no longer considered “mental.” Besides, the claim about costliness was nonsense from the start. The Congressional Budget Office estimates that premiums would rise less than 1 percent if parity were assured. And that calculation doesn't take into account the savings that could be reaped if—as is likely—early and habitual treatment of brain disorders led to fewer emergency-room visits, shorter psychiatric hospitalizations and reduced prison stays.

Of course the best reason to assure mental-health parity, as Wellstone and Republican cosponsor Pete Domenici of New Mexico have argued, is that it's the decent thing to do. Bush said just that on Monday, lamenting the history of misunderstanding, fear and shame that has haunted people suffering from neglected but fully treatable brain disorders. The way to banish those horrors is to treat the medical afflictions with medicine—wherever in the human frame they occur.

This is a terrific pledge from a once-reluctant president, and onlookers who see parity as a no-brainer should make sure he sticks by his word. As Wellstone observed earlier this month while speaking to mental-health experts in Bethesda, Md., much could still go awry as this measure moves through Congress over the next month. Though the Wellstone-Domenici bill calls for covering all mental illnesses, many foes favor letting legislators or health plans pare down the list to a few coverable—perhaps just the few curable—diagnoses. That could leave many of the sickest entirely uncovered. There's also the ominous danger posed by the possibility that insurers will design health-care packages that offer no mental-health care at all—a sneaky and pernicious way to skirt the parity requirement altogether.

But why worry about such things now? Bush has become a believer. Now perhaps he'll exercise a sliver of compassionate conservatism and lead the fight against weakening the modest mental-health parity bill. So voters must hope—and insist.

[From the New York Times, May 1, 2002]

#### TOWARD MENTAL HEALTH PARITY

President Bush said some encouraging words this week about the need for a health care system that will treat mental illness with the same urgency as physical illness. The president seemed to suggest that health insurance should cover mental problems on the same terms as other medical problems. If the president is serious about this issue, he will need to lean on recalcitrant House Republicans, the chief impediment to reform, to pass a bill elevating mental health coverage to a par with medical and surgical coverage.

Congress took the first step toward this goal in 1996 when it passed legislation that prevented private plans that offer mental health coverage from setting annual or lifetime limits that are lower than those set for other illnesses. But the law left a loophole that allowed companies to require much higher deductibles and copayments for mental health treatments than for other diseases. So a new bill—pioneered by Senators