

the system has become a playground for personal injury trial lawyers as they file sham, abusive cases in lawsuit-friendly counties. And all too often the attorneys collect multi-million-dollar settlements for themselves, while their clients, the real victims, get left with nothing more than a coupon, often worth nothing more than the paper upon which it is printed.

Recently, a large national video rental chain, after being named in 23 class-action lawsuits, agreed to provide consumers in the lawsuit with dollar coupons, and attorneys in this case received over \$9 million.

Even more outrageous is the case where consumers were awarded 33 cents each in a settlement with a well-known national bank, not even enough to buy a stamp, while attorneys in the case walked away with \$4 million.

Mr. Speaker, this amount of money distorts the incentives for personal injury lawyers. They no longer represent their clients; they become coplaintiffs. It is past time we did something about it. That is why we should return commonsense justice to the American people by passing S.5, The Class Action Fairness Act.

#### EDUCATION BUDGET CUTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, 3 years ago, President Bush promised that no child would be left behind when he signed education reform legislation into law. But last week the President unveiled a budget with education cuts that breaks his promise to America's children.

The President's budget calls for the elimination of 41 education programs. Just some examples: The President eliminates vocational educational grants that help our States teach high school vocational skills to students in the hope that they will use these skills to find jobs. He eliminates educational technology grants to States, despite the fact that studies show technology can substantially raise student achievement. The President's budget eliminates a promotional effort to create ways to best educate disabled students.

Mr. Speaker, the President broke his promise to millions of children with this budget. We should reject this budget because of the education cuts alone and live up to our promises to see that no child is left behind.

□ 1015

#### MIDDLE EAST PEACE PROCESS

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Mr. Speaker, the recent assassination of the former Leba-

nese Prime Minister reminds us once again how fragile life can be in this part of the world. That is why we must remain resolute in our mission to support efforts in the Middle East that promote stability and promote peace.

In Iraq, we are witnessing an emerging democracy that is bringing new hope and sovereignty to once-vanquished peoples. The recent Israeli-Palestinian truce is the crucial step towards reestablishing the confidence that has so often eluded its leaders. This is a necessary ingredient to advance the cause of peace in a region afflicted by terror and violence.

Mr. Speaker, the historic developments of the past few months are a ray of hope in a region that is often clouded by darkness and give us reason to believe that a new era has begun, one which will eventually lead to peace.

#### TRADE DEFICIT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, this administration has repeatedly set records for debts and deficits and the latest is for our enormous trade deficit. We have raised the debt ceiling three times to cover their deficit spending, over \$470 billion. That comes out to over \$26,000 owed by every man, woman, and child in America.

Their newest record is an all-time high in a trade deficit, nearly \$618 billion, the highest in our history. This is a huge burden for our economy because we are borrowing from foreign countries to pay for our imports. We should never build our economic system on a foundation of debts, deficit, and foreign loans. Any day that foundation could become a house of cards.

#### ENDING FRIVOLOUS LAWSUITS

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, frivolous lawsuits are hurting our economy, and they must be stopped. Lawsuit abuse affects everyone. Frivolous lawsuits and junk lawsuits jam our judicial system. Frivolous lawsuits increase the cost of medicine and medical treatment. They hurt our health care, hurt the American economy, and they hurt American jobs.

Mr. Speaker, it is because jury awards in civil trials have become blank checks for plaintiff lawyers. Increased numbers of cases and the absurd rewards they yield have resulted in the highest per-person cost of litigation of any country in the world. They cost small businesses the most and many have closed their doors.

It is Congress's duty to ensure that this type of legislation is not abused. President Bush's plan for tort reform

lays a strong groundwork to address medical liability reform, class action lawsuit reform, asbestos litigation reform. It is clear that too many of these lawsuits are being abused. Congress must act today to ensure that we have a healthy economy tomorrow.

#### STRENGTHENING SOCIAL SECURITY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I salute President Bush's leadership on the need to strengthen Social Security with personal retirement accounts. I am hearing a lot of haranguing on the other side, most of it untrue. This debate begins and ends with our pledge that nothing will change for people 55 and older.

This current debate must focus on the future of younger Americans. Social Security was created for a much different America. Created in 1935, current taxes more than covered current opinions. The average working male lived to age 60, when people retired at age 65. When Social Security started, 42 people supported one retiree. Now 3.3 workers support one retiree, and it is on a downward trend too.

We have got to do better for our children and our grandchildren. We must strengthen Social Security for our children and for America's future.

#### PROVIDING FOR CONSIDERATION OF H.R. 310, BROADCAST DECECY ENFORCEMENT ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 95 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 95

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 310) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) an amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Upton of Michigan or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. CULBERSON). The gentlewoman from

West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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.

On Tuesday, the Committee on Rules met and granted a structured rule for H.R. 310, the Broadcast Decency Enforcement Act of 2005. This is a fair rule that I believe all Members of the House should be able to support.

This bipartisan bill brings penalties for network television programming to modern standards. The legislation also enhances the Federal Communications Commission's ability to reprimand networks and individuals who violate indecency standards.

In the last few years, there have been several instances that have prompted the need for this legislation. Two immediately come to mind. During the 2003 Golden Globe Awards, pop star Bono of the band U2 used offensive language while accepting an award on live television; and, of course, there is the infamous debacle that was the 2004 Super Bowl half-time show which I, by the way, was watching with my own family.

Each incident occurred during prime time hours and both programs were widely viewed by families across the Nation. Parents should not have to be unwillingly subjected to vulgar behavior and blatant disregard for what is appropriate for prime time viewing hours.

Provisions in H.R. 310 will increase the FCC fines for indecent broadcasts from \$32,000 per incident to \$500,000 per incident which will be applied to the network and other parties who knowingly participated and approved of the broadcast. There is also a 3-strikes provision that will give the FCC the option of revoking broadcast licenses of frequent offenders. This legislation protects local networks and broadcast companies from fines if they did not have prior knowledge, if they did not give approval or were unable to prevent the indecent broadcast from the parent company or network from happening in the first place. This provision judiciously places responsibility where it truly lies by protecting innocent parties.

I am a strong supporter of this bipartisan legislation. We have made many strides in recent years providing parents with rating information they can use to determine what is appropriate for their children to view. We cannot tolerate instances where G-rated programming is intentionally and unknowingly to the audience turned into R-rated programming.

These are good changes to improve the quality of television available to our children and families. I urge my colleagues to support the Upton-Markey manager's amendment. It is a

strong bipartisan amendment that makes necessary clarifications and improvements to this legislation. To that end, I urge my colleagues to support the rule and the underlying bill.

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

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

Mr. Speaker, I thank my colleague from West Virginia and congratulate her on her first rule.

Mr. Speaker, I rise today in support of the underlying bill, but I am disappointed that the rule will not let us engage today in the debate that this House and our country desperately need to have, a debate about how the lack of standards in the broadcast media is threatening some of our most basic democratic values.

The underlying bill, which I supported last year and intend to support again today, addresses a very narrow part of the problem of decency within broadcasting. It increases the penalties on media companies who openly flaunt the FCC's rules against obscene broadcasts.

Mr. Speaker, when we give media companies the right to broadcast in our communities on our airwaves, one of the few things we ask in return is they refrain from broadcasting lewd, indecent programs during the hours that children may be listening or watching. That does not seem like a lot to ask, but many media companies seem to find it hard to comply even with the most basic rule, a rule most Americans practice every day in their lives.

Put simply, you do not say crude or offensive things when you are a guest in somebody's home and their children are in the room. This is an American value that we can all embrace, so I would ask why the standards are different for the media. The bottom line is that they should not be.

The FCC has fined a number of broadcast licensees over the past several years for lewd and inappropriate broadcasts, and I hope that the increased penalties in the bill will make these companies think twice before they do it again. But with all the money they make, I doubt that. But refraining from obscene broadcasts does not mean that our media companies are fulfilling their obligation to broadcasts in the public interest. In fact, I would submit that an even greater indecency is the declining standards of fairness, accountability and truth in America's broadcast media today. After all, should we not ensure that our broadcast media present a diversity of views about the most important issues that face the country? Issues upon which our democracy depends should at least be as important as regulating the words and images we allow broadcasters to use in sit-coms and Super Bowl half-time shows.

Sweeps Week stunts only underscore how these large, distant media compa-

nies routinely sweep important local news, balance, truth, and objectivity under the rug. I am talking here about core American values, values that most of us were taught as children and practice every day: be accountable for what you say and do; be truthful and fair in your dealings; balance your approach to life. But time and time again, we have failed to demand that mega-media corporations uphold these most basic American values. And all this despite the fact that the same companies use the public airwaves broadcasting into our homes every night and are the primary tool that most Americans use to learn about the world around them.

Ever since the Reagan administration rescinded the Fairness Doctrine in 1987 our broadcast standards have not only been in just a steep decline but they are fast approaching extinction.

When newscasters present political opinion as hard news with no accountability or fact for truth, I call that indecent. When it becomes common practice to pay members of the media to deceptively advocate a political agenda on public airwaves without disclosure to the public, I call that indecent. When a television broadcaster uses his license to present one-sided, factually erroneous documentaries designed to impact the outcome of a national election without equal time or standard for truth, I call that indecent and dangerous.

And what about the so-called reporter who gained access to the White House press room under dubious circumstances to ask loaded rhetorical questions without even his colleagues, much less his audience, knowing he is a fraud? I call that overwhelmingly indecent.

In a relatively short time, we have abandoned the high ethical standards of truth and objectivity demonstrated by such giants as Edward R. Murrow and Walter Cronkite in favor of the bias of pseudo-journalism demonstrated by Armstrong Williams, Jeff Gannon, and Bill O'Reilly. This is a sure recipe for the dumbing-down of America.

In fact, USA Today reported yesterday that despite the fact that 60 percent of Americans get their news from local television, those same companies have nearly given up covering local political races and issues in recent years. According to the article, in the month leading up to the last election, the one just passed, just 8 percent of the local evening newscasts in 11 of the Nation's largest TV markets devoted time to local races and issues.

□ 1030

Ninety-two of them paid no attention. That is 8 percent. In other words, for every minute of news that they show, they spend 4.8 seconds discussing the issues that shape our neighborhoods, our communities and our families, and for most Americans, that is the only news they will get.

Enough is enough. The public deserves better. The American people

know they are being deceived. They are fed up, and they are taking action to do something about it.

Look at the 2 million comments that ordinary Americans sent to the FCC to stop even more media consolidation from taking place last year. The public expects us to do more. They expect us to act in their interests. They expect us to defend and uphold their values, values we should all share: truth, honesty, objectivity and balance. We can do so much more than what we are just discussing here today.

When the committee met to report this rule last night, the gentleman from New York (Mr. HINCHAY) and I brought amendments to the committee that we thought would broaden this debate today into the one we really ought to be having.

The gentleman from New York's (Mr. HINCHAY) amendment would have rolled back broadcast media consolidation rules to their pre-2003 levels, and my amendment would restore the fairness doctrine and bring more accountability to the news, but we were rejected.

They only wanted to talk today about decency, and we were not germane to the bill. In a technical sense, they may be correct, but we all know that to have a real debate on what is happening to our culture today, the House would have to talk about the issues our amendments address. Sadly, that will not happen today.

Mr. Speaker, at the end of the debate, I intend to call for a no vote on the previous question so that I may modify the rule to allow for consideration of my amendment on fairness and accountability in broadcasting, and I hope that all Members of this House will join me in voting against the previous question to have this opportunity to restore fairness and accuracy in the media.

I only hope that in the 109th Congress we will have that discussion. Our democracy could very well depend on it.

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

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I also rise in strong opposition to the rule for H.R. 310. Yesterday, I too offered several amendments with my colleagues that would require broadcasters to perform minimum public-interest obligations and ask GAO to study the link between indecency and media ownership. I am very disappointed that they were not made in order, and I hope my colleagues will join me in opposing this rule and requesting an open rule.

Mr. Speaker, while we all believe in the need to reduce indecency in media, I do not believe increasing fines addresses the root causes of the problem, namely, the current trend of unfettered media conglomeration and its impact

on creative voices. This bill is a response to the anger felt by millions of parents and consumers regarding our dumbed-down media culture today.

The bottom line is, a consolidated media market controlled by profit-driven conglomerates is bound to produce indecent, shock-value programming for the sake of viewership. That is why I joined my colleague, the gentleman from New York (Mr. HINCHAY), in offering an amendment that would request a GAO study on the connection between media ownership and indecency. I am very disappointed that the amendment was rejected.

Furthermore, when big media gets bigger and the race for audiences turns to the lowest denominator in trash programming to appeal to the broadest possible audience, those conglomerates move further away from quality programming and the principles of diversity, localism and competition, crucial for the service of the public interest.

This was why I supported an amendment offered by my colleague, the gentlewoman from New York (Ms. SLAUGHTER), who has been a champion in restoring the fairness doctrine. The Slaughter-Watson amendment would have made basic public-interest obligations an element of the broadcast licensees' renewal requirement. That includes the coverage of diverse interests and viewpoints in the local community, the requirement of holding two public hearings each year to ascertain the needs and interests of the communities licensees are serving, and documentation requirements of such public interest coverage.

Mr. Speaker, the indecent media culture we are witnessing today cannot be simply modified by increased fines. It needs to be transformed through less media consolidation and greater requirements on broadcasters to serve the public interest. I strongly urge my colleagues to oppose the rule. Vote against the bill.

Mrs. CAPITO. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), my distinguished colleague and new member of the Committee on Rules with me.

(Mr. COLE of Oklahoma asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in support of the rule for H.R. 301, the Broadcast Decency Enforcement Act of 2005. I believe this is a fair rule and one that accords both sides of the aisle a good opportunity to explore the issues surrounding this legislation.

Just last year, the House took a strong step forward on this issue when it passed H.R. 3717 by a vote of 391 to 22. Unfortunately, the other body was unable to schedule this legislation for consideration before the close of the 108th Congress.

Mr. Speaker, we have a real opportunity today. As a father and a husband, over the years I have had genuine concerns about the suitability of some of the programming that is now aired

on television. As my colleagues know, the law holds that indecent material is not appropriate for television. Unfortunately, over the last several years, some in the media have concluded that they are willing to pay fines for the privilege of airing the very material that they know millions of Americans will find offensive.

Mr. Speaker, it is time that we as the people's elected Representatives address the issues surrounding the airing of indecent material. This legislation is a good first step. It will restore some teeth to the law and begin to better protect America's children immediately.

I know that my colleagues agree with me, Mr. Speaker, when I say that no family should be exposed to some of the content that is now regularly aired on television. This legislation does not address just the infamous incident such as the supposed wardrobe malfunction at last year's Super Bowl. While it does not discriminate, it will help to restore a measure of decency to the airwaves.

Again, Mr. Speaker, I urge my colleagues to support the rule. It is a fair rule, one that will allow us to fully explore the issues surrounding the Broadcast Decency Act of 2005.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, our discussion of the media's responsibility is incomplete without consideration of fairness and without consideration of the fairness doctrine. The public's airwaves are not just a forum for entertainment that might step beyond the bounds of decency but also a home to the marketplace of ideas on which our democracy depends.

In other words, it is not good enough to hold broadcasters accountable for inappropriate wardrobe malfunctions. They must live up to the public good if they want to continue to use the public's airwaves.

Our constituents depend on broadcasters for essential information about issues that affect their families, their lives. Too often, they are unknowingly relying on incomplete, inaccurate, or biased reports.

This happens because we do not hold broadcasters accountable to the public. Under the current rules, corporate conglomerates are free to set the news agenda based on what they think sells or entertains, not what the public needs to know.

Undercover government spokespersons are free to speak their opinions as trustworthy pundits, and media monopolies are free to use their power to provide only one part of the story. Broadcasters are failing the public when the airwaves are used this way.

Mr. Speaker, there is another challenge and threat to our most cherished free speech values: the consolidation of

media ownership. There is a movement that is reshaping the marketplace of ideas and eliminating the diversity of opinion critical to a vibrant democracy.

No newspaper, radio station or TV network is perfect, but allowing single corporations to monopolize the information that average Americans receive gives media corporations and individuals like Rupert Murdoch too much power.

In America ideas are not just another commodity like butter, steel, or cloth. Ideas are the lifeblood of our Nation. The FCC should be defending the free exchange of ideas, not giving a few corporations and their executives power to shut off the flow of ideas to American citizens.

Mr. Speaker, I suggest that we do not vote for this rule until we have everything in it.

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

I would like to remind the Members that the issue that we are speaking about today in this bill is the raising of the fines for indecency, caused by several incidents, I think over a million, the gentlewoman from New York (Ms. SLAUGHTER) quoted last night in our Committee on Rules meeting, instances of inappropriate viewing on our television and our airwaves and on our radios.

So I think to keep the focus of this bill and this rule is important for the Members to realize that this is something that goes right to the crux of our families.

Mr. SANDERS. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, will the gentlewoman help us define what inappropriate is? Does the gentlewoman think that the film "Saving Private Ryan," which depicted the incredible sacrifice by American troops on D-Day, is inappropriate and should have been kept off of ABC?

Mrs. CAPITO. Mr. Speaker, I think the standard for inappropriate on the airwaves has been established by the FCC, and they are the ones.

This bill does not speak to that. This bill speaks to raising of the fines.

Mr. SANDERS. Mr. Speaker, if the gentlewoman would continue to yield, but this bill leads to self-censorship. Small stations who are fined a half a million dollars are going to be very cautious. "Saving Private Ryan" was kept off of dozens of ABC affiliates because they were afraid of a fine.

Mrs. CAPITO. Mr. Speaker, reclaiming my time, in wrapping up my previous statement, I just want to realize what the focus of this bill and what the focus of the rule is on.

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

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

In response to my colleague, at the end I am going to amend this rule to

include what we are trying to do and what the speakers are speaking to. So that is perfectly legitimate for us to do that.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the comments from the floor manager of the bill made clear one of the major goals of the Republican Party. It is to shorten the attention span of the American people.

Among the things they think are inappropriate are not just things we might see on television but things we might hear on the floor of the House. The gentlewoman apparently thinks it is inappropriate for us to discuss on the floor of the United States House of Representatives the issue of media concentration.

That is what we are talking about. The gentlewoman said no, no, no, you are off the subject. Well, many of us believe that excessive media concentration is a subject that ought to be addressed, and it is, of course, the intention of the majority party not to allow that to be discussed. Inappropriate to criticize those corporations that are increasing media ownership.

The gentleman from Oklahoma said this is a fair rule. Well it is fair if the scale is poor, fair, good and excellent. In that case, I guess it is a fair rule because my colleagues let in one amendment.

We will be debating, after this rule is adopted, the substance of this bill, probably the only bill that the majority will allow on our communications matter, for 1 hour and 20 minutes; 1 hour and 20 minutes. If the Provisional Assembly in Iraq gave only an hour and 20 minutes to a subject, we would be very critical of them.

Once again I have to say, with regard to the people in Iraq who have been elected to the Provisional Assembly and who we are urging to practice democracy and respect minority rights, if any of them happen to be watching this proceeding, please do not try this at home. Please show more respect for full discussion than these people are showing.

Now, I also want to talk about indecency. It may be one of my last chances to do it because the gentleman from Vermont is correct. What this has done, this furor, is to lead to censorship, self-censorship, but also censorship by the administration.

I regret things like the Janet Jackson incident and what happened with her and that guy, but I think we have a greater danger now. The greater danger is the censorship of the free and open debate of this country. I guess I have more confidence than the majority in the families of America and the parents to be the main protectors of their children, not the majority party; and instead what happens is we have the Secretary of Education criticizing PBS and pressuring them not to run a show because it showed two lesbians.

I guess maybe I am speaking out of self-interest. If these people keep this up, we just had some fool in the Department of Health and Human Services insist that a panel on youth suicide aimed at gay, lesbian, and transgendered teenagers not use the words gay, lesbian and transgendered, because those things are inappropriate; showing lesbians is inappropriate.

I guess, Mr. Speaker, if some of these people had their way, I would be bleeped. I guess there would be a blank screen when I appeared on here, lest some people be somehow corrupted by the very fact that a gay man takes the floor of the House to talk about a rule that is undemocratic and a furor that leads to "Saving Private Ryan" being shut off, that leads to PBS being pressured not to show young people that there is in this world such a thing as lesbians, because that might somehow corrupt them.

□ 1045

I voted for this bill last year, so I am grateful to the majority for one thing. I voted for it, and it resulted in a degree of pressure and a degree of intimidation and a degree of intolerance and a failure to understand the value of free debate that I regretted and felt a little guilty about. So I am glad I have a chance to vote against it, as I will do.

But I regret very much that the gentlewoman from West Virginia and those in the majority feel it is inappropriate to discuss media concentrations or any oppositions that might exist. And that is where we are today. We have a bill that will, I believe, result in more censorship, in more excessive attention to a fairly small problem while ignoring very large ones.

I should say, finally, Mr. Speaker, understand why we have to cut this debate so short: because of our workload. We might actually be here until 4 o'clock this Wednesday, today, and we may even begin tomorrow. Of course, we are getting ready for a 10-day recess, so we may need a little extra time to relax. This House has met very little, we have done very little, and so the refusal of the majority to allow a debate on the important topics that we are talking about here, the effort by the gentlewoman from West Virginia to chide us, to say do not bring up media concentration and all those unimportant irrelevancies, is an example of the majority's disrespect of democracy, which they unfortunately continue to manifest.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume to make a couple of comments regarding the gentleman's observations.

I did not state it was inappropriate to debate this on the House floor, and I am only speaking about the indecency and the raising of fines in terms of a standard that is set by our Federal courts. So I take exception with that.

I also take exception with his ownership of democracy. This is what democracy is. We are debating democracy, we

are debating issues on the House floor, which we do every single day, and I am proud to be a part of that.

The other thing I would say in terms of the bill we are discussing, I think it is important to remember that over 2 years ago, I believe, we passed this bill in enormous bipartisan fashion. It was brought to the committee by both the chairman and the minority Chair of that committee in unison in terms of the manager's amendment and the intent of the bill. So I believe that Members will know this is a bill we have worked on before.

Personally, I was raised in the 1950s and 1960s, when I used to sit down and watch "Bonanza" and the "Wide World of Disney." My mother did not have to have the remote control in her hand, which they did not have at the time anyway, to make sure I did not see anything inappropriate. All we are trying to do here is to raise the level of fines for those who willfully and intentionally have indecent and inappropriate action on television.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I would say to the gentlewoman from West Virginia, and I regret she would not want to yield, I guess she did not want to respond to me, even though she has a lot of time left. She is going to turn back her time. But she said she was not saying we should not debate these. I will make a prediction: she and the majority will never allow a debate on concentration.

She says, oh no, we just do not want to debate it now. You do not want to debate it now, you do not want to debate it next month, you do not ever want to debate it. So the fact is this is not simply a case of, oh well, we are only on this one issue. It is the effort of the majority to suppress debate on the important question of media concentration. They will not bring it up now, and they will do everything they can to prevent it.

So, yes, I think I am on the right side of democracy when we talk about whether or not to discuss this issue. Democracy says you should discuss it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition to this rule. I am happy that we are having this discussion of decency on the public airwaves today, and I am happy to be here with the gentlewoman from New York (Ms. SLAUGHTER), who is one of the greatest champions in America for fair communication of ideas and artistic and creative thinking.

I am surprised and disappointed, however, that this rule does not allow us to debate an issue that is just as important as public content, and that is diversity of viewpoints. The repeal of the Fairness Doctrine has hurt the ob-

jectivity of the media, and an amendment dealing with this was denied.

In recent months, we have seen the unfortunate result of media consolidation, lack of local programming control, balance of news and information. One broadcasting company tried to use the public airwaves to air an untruthful and damaging so-called documentary criticizing the war service of a Presidential candidate. We have discovered the administration is using taxpayer funds to pay broadcasters and unqualified journalists to advocate administration policies.

Reinstitution of the Fairness Doctrine would provide at least partial safeguard against such abuses. It would require broadcast licenses to cover both sides of issues or multiple sides of issues of public interest.

As we are considering decency in the public airwaves, we should also give due consideration to fairness, truth, and balance on those same airwaves.

Mrs. CAPITO. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. CULBERSON). The gentlewoman from West Virginia (Mrs. CAPITO) has 22 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 13½ minutes remaining.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to the rule and opposition to the underlying legislation.

As someone who voted in favor of similar legislation last year, I am increasingly alarmed by the culture of censorship that seems to be developing in this country, and I will not be voting for this bill today.

This censorship is being done by the corporate owners of our increasingly consolidated, less diverse media; but it is also significantly being done by the government, and that is what this bill is about today. What we are seeing is an increasing and insidious chill on free expression in the airwaves.

There are a lot of people in Congress on that side of the aisle, my conservative friends, who talk about freedom and freedom and freedom; but apparently they really do not believe that the American people should have the freedom to make the choices themselves about what programs they see on television or on the radio.

There are a lot of people in Congress, including Conservatives, who talk about the intrusive role of government regulators; but today they want government regulators to tell radio and TV stations what they can air. I disagree with that.

A vote for this bill today will make America a less free society. Mr. Speaker, I am not a Conservative. I am a proud Progressive. But on this issue, I

agree with some important conservative thinkers. Let me tell my colleagues what Mr. Adam D. Thierer, the director of telecommunications studies at the Cato Institute, extremely conservative think tank, says, and he has it right: "Those of us who are parents understand that raising a child in today's modern media marketplace is a daunting task at times, but that should not serve as an excuse for inviting Uncle Sam in to play the role of surrogate parent for us and the rest of the public without children. Even if lawmakers have the best interest of children in mind, I take great offense at the notion that government officials must do this job for me and every other American family. Censorship on an individual parental level is a fundamental part of being a good parent. But censorship at a government level is an entirely different matter because it means a small handful of individuals get to decide what the whole Nation is permitted to see, hear, or think."

That is and that should be the Conservative position. That should be the position of people who say get the government off our backs; we do not want government regulations.

Mr. Speaker, increasingly in this country we are seeing censorship on the airwaves. In January of 2004, CBS refused to air a political advertisement during the Super Bowl by MoveOn.org, and on and on it goes.

Let us vote "no." Let us vote against this bill and support freedom.

Mr. Speaker, I rise in opposition to this legislation.

Mr. Speaker, I think we can all agree that we do not want our children exposed to obscenity on the public airwaves. That goes without saying.

As someone who last year voted in favor of similar legislation, I am increasingly alarmed by the culture of censorship that seems to be developing in this country, and I will not be voting for this bill today. This censorship is being conducted by the corporate owners of our increasingly consolidated, less diverse media. And it is being done by the government. This result is an insidious chill on free expression on our airwaves.

There are a lot of people in Congress who talk about freedom, freedom and freedom but, apparently, they do not really believe that the American people should have the "freedom" to make the choice about what they listen to on radio or watch on TV. There are a lot of people in Congress who talk about the intrusive role of "government regulators," but today they want government regulators to tell radio and TV stations what they can air. I disagree with that. A vote for this bill today will make America a less free society.

Mr. Speaker, I am not a conservative. But on this issue I find myself in strong agreement with Mr. Adam D. Thierer, the Director of Telecommunications Studies at the Cato Institute—a very conservative think tank. And here is the very common sense, pro-freedom position that he brings forth:

Those of use who are parents understand that raising a child in today's modern media marketplace is a daunting task at times. But

that should not serve as an excuse for inviting Uncle Sam in to play the role of surrogate parent for us and the rest of the public without children.

Even if lawmakers have the best interest of children in mind, I take great offense at the notion that government officials must do this job for me and every other American family.

Censorship on an individual/parental level is a fundamental part of being a good parent. But censorship at a government level is an entirely different matter because it means a small handful of individuals get to decide what the whole nation is permitted to see, hear or think.

I've always been particularly troubled by the fact that so many conservatives, who rightly preach the gospel of personal and parental responsibility about most economic issues, seemingly give up on this notion when it comes to cultural issues.

Mr. Speaker, the specter of censorship is growing in America today, and we have got to stand firmly in opposition to it. What America is about is not necessarily liking what you have to say or agreeing with you, but it is your right to say it. Today, it is Janet Jackson's wardrobe malfunction or Howard Stern's vulgarity. What will it be tomorrow?

Let me give just a couple of examples of increased censorship on the airwaves. In January 2004, CBS refused to air a political advertisement during the Super Bowl by MoveOn.org that was critical of President Bush's role in cheating the Federal deficit. Last November, 66 ABC affiliates refused to air the brilliant World War II movie "Saving Private Ryan," starring Tom Hanks, for fear that they would be fined for airing programming containing profanity and graphic violence, even though ABC had aired the uncensored movie in previous years. This ironically was a movie that showed the unbelievable sacrifices that American soldiers made on D-Day fighting for freedom against Hitler, but ABC affiliates around the country didn't feel free to show it. Last November, CBS and NBC refused to run a 30-second ad from the United Church of Christ because it suggested that gay couples were welcome to their Church. The networks felt that it was "too controversial" to air. And just last month, many PBS stations refused to air an episode of Postcards with Buster, a children's show, because Education Secretary Spellings objected to the show's content, which included Buster, an 8-year old bunny-rabbit, learning how to make maple syrup from a family with two mothers in Vermont.

Mr. Speaker, each of these examples represent a different aspect of the culture of censorship that is growing in America today. My fear is that the legislation we have before us today will only compound this problem and make a bad situation worse.

This legislation would impose vastly higher fines on broadcasters for so-called indecent material. But this legislation does not provide any relief from the vague standard of indecency that can be arbitrarily applied by the FCC. That means broadcasters, particularly small broadcasters, will have no choice but to engage in a very dangerous cycle of self-censorship to avoid a fine that could drive some of them into bankruptcy. Broadcasters are already doing it now. Imagine what will happen when a violation can bring a \$500,000 fine. If this legislation is enacted, the real victim will be free expression and Americans' First Amendment rights.

In the past week I have sought out the views of broadcasters in my own State of Vermont and I have heard from many of them. Without exception they are extremely concerned about the effect this legislation will have on programming decisions.

Mr. Speaker, I am enclosing a copy of a statement by Mr. John King, President and CEO of Vermont Public Television.

STATEMENT OF MR. JOHN KING, PRESIDENT AND CEO OF VERMONT PUBLIC TELEVISION ON H.R. 310

Vermont Public Television, like other local broadcasters, does its best to serve the needs and interests of its local community. It's a great privilege and a great responsibility to have a broadcast license. While we acknowledge that there must be sanctions for broadcasters who misuse the public airwaves, we believe the sanctions proposed in H.R. 310 are extreme.

The FCC's proposals for increased fines for obscenity, indecency and profanity have already had a chilling effect on broadcasters nationally and locally, including Vermont Public Television. The legislation also makes lodging a complaint easier and puts the burden of proof on the station. Codifying these proposals into law will make the situation worse.

While many people might assume the new sanctions are aimed at commercial broadcasters, public broadcasters are feeling the effects every day. Public television's educational programming for children has always provided a safe haven. The same public television stations that take such care of their young viewers also respect the intelligence and discretion of their adult viewers to make the best viewing choices for themselves.

Vermont Public Television has always operated responsibly in our programming for adults. At times, our programs included adult language and situations appropriate to the informational or artistic purpose of a program. While there have always been prohibitions against gratuitous indecency, the FCC always took context into account. Now, it seems that context is no longer considered.

Much as we might like to invoke our First Amendment rights, we dare not risk the large fine that could come with a single violation. The \$500,000 maximum fine could put a small station like VPT out of business.

Last year, when the FCC proposed increased fines and told broadcasters there was one word that would never be appropriate on the air, PBS and its member stations, including Vermont Public Television, began to make content choices so as not to run afoul of the new FCC restrictions.

PBS programmers began making edits to national programs being distributed to stations. An "American Experience" documentary on Emma Goldman was scrutinized for what might possibly look like a bare breast and edited, just to be sure. On "Antiques Roadshow," a nude poster was edited. This month, most PBS stations will air a drama from HBO called "Dirty War." In the story, a woman showers to remove radiation. When the program airs on PBS, that shower scene will be edited.

Our programming director, and no doubt most local programmers, have become very cautious. Once the FCC starts telling broadcasters they must not use certain words or situations, programmers tend to avoid producing and airing programs with words and situations that might even come close to content that could be subject to fines.

At VPT, we produce many live local programs with panelists representing many points of view. We take calls from viewers

live on the air. There has never been a problem with language, but the legislation's reference to using a "time delay blocking mechanism" makes us worry. We don't use a time delay. Are we subject to a fine if a panelist or a caller uses a word considered obscene, indecent or profane?

Our programming director says the FCC proposals have already made us rule out airing independent films on our "Reel Independent" program. Films by Vermont filmmakers that we would have aired in past years are not being accepted for broadcast now.

We cannot support H.R. 310 as it is written.

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHHEY).

Mr. HINCHHEY. Mr. Speaker, this bill and the rule really missed the point. The point is that we are experiencing here in this House and across this country limitations on political debate, and that is the way this rule is structured, to limit political debate so that the American people do not understand what is going on.

For more than 2 decades now, the Republican Party has sought to consolidate the media in America across the board, and they have done so also to limit debate by eliminating the Fairness Doctrine. This bill makes no mention whatsoever of the link between media consolidation and the rising number of indecency complaints.

What do we have today as a result of the Republican Party's consolidation of the media in America? Five companies own the broadcast networks and 90 percent of the top 50 cable networks. They produce three-quarters of all prime time programming. They control 70 percent of the prime time television market share. These same companies that own the Nation's most popular newspapers and networks also own 85 percent of the top 20 Internet news sites.

Two-thirds of America's independent newspapers have been lost. According to the Department of Justice's "Merger Guidelines," every local newspaper market in the United States today is highly concentrated as a result of actions begun under President Reagan in 1987 and that continue today under President George W. Bush and the Republican leadership of this House.

One-third of America's independent TV stations have vanished. There has been a 34 percent decline in the number of radio station owners since the passage of the 1996 Telecommunications Act under the leadership of this House. There has also been a severe decline in minority-owned broadcasters.

As the major networks have been allowed greater vertical integration, the percentage of independently produced new programming on broadcast networks has declined from 87.5 percent in 1990 to 22.5 percent in 2002. It is barely one-fourth of what it was 15 years ago, independent programming, thanks to the leadership of this House and Republican Presidents.



Almost 60 years ago, the Supreme Court declared: "The widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public; that a free press is a condition of a free society."

We no longer have a free press or free media in our country, as a result of the conscious, intentional consolidation of the media that has been authorized and orchestrated by the Republican leadership in this House and successive Republican Presidents.

I have no doubt that every Member of this body would agree that the court sentiments that I mention here today should hold true, but it is also true that we are not allowed to debate this point and bring it up on the floor of the House.

We have a lot to do here, and our Republican colleagues are not allowing it to be done. Free press is essential to a free and open society.

□ 1100

Mrs. CAPITO. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Georgia (Mr. GINGREY) and a new member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, I want to remind my colleagues, especially for those on the other side of the aisle, that this Broadcast Decency Enforcement Act does not change the definition of decency, and it is not about censorship. It is about increasing the penalties and the fines for those entertainers and owners of radio and television stations that knowingly and willfully violate, and do it in a repeated manner, what we already know is a definition of decency.

So it is disingenuous to suggest that we are trying to impose censorship or redefine what has already been well defined in regard to decency. I want to give, Mr. Speaker, an example. The Member from the other side of the aisle, the gentleman from Virginia (Mr. MORAN) had an amendment, and I do not want to dwell on this too much because he is here and I think he may be speaking about that. But he brought an amendment to the Rules Committee concerning a certain ad that we see many times on prime-time hour on television. And he had great concerns about that. And many members of the Rules Committee on both sides of the aisle, both Republicans and Democrats, agreed that this advertisement was possibly a little on the tacky side, but that amendment was not approved by the Rules Committee because of that question of a redefinition of what is decent.

So I just want to remind my colleagues that this is not about censorship or redefining decency on the airwaves, it is making sure that those who continue to abuse their privilege of broadcasting on our public airwaves, that they pay a significant fine and one that hopefully will disincentivize them from continuing this activity.

Ms. SLAUGHTER. Mr. Speaker, I just wanted to comment that there is censorship because the Democrats are not allowed amendments.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, a year ago I stood before this Chamber during debate of this same legislation and remarked that by increasing fines for indecency violations we were addressing the symptoms of a problem but not the underlying causes.

One year later, despite all of the public outcry, despite the millions of citizens who contacted the FCC and Congress advocating for localism and decency standards and unbiased news, despite all of the politicians bemoaning what is on our airwaves today, not much has really changed.

Last year we fought unsuccessfully for an amendment that would have addressed the true effect of media consolidation by commissioning a GAO study on the relationship between consolidation and indecency on the airwaves. This amendment was not made in order by the Republican majority.

It should come as no surprise that we will not get a vote on this amendment again this year. Once again, the leadership has shown us that the concerns of ordinary people are trumped by the interests of media conglomerates and of the Bush administration.

We should allow the GAO to study the consequences of media consolidation and we should turn these results into action, passing legislation to ensure that a handful of companies will not get to dominate our airwaves, be it with filth or foul language or political propaganda or anything else that viewers would opt not to see.

And I tell you, we Members who are involved in this are not going to rest until we put control of our airwaves back where it belongs, in our local communities and in the hands of the American people.

To this end, I have joined with a number of colleagues in forming a media reform caucus, which will be working to make sure that the voices of the communities we represent are present at the table as Congress revisits the issues of media ownership and telecommunications regulation.

And for those who share our concerns about the state of the media industry, I urge you to join in this fight. I assure you, Mr. Speaker, you have not heard the last from us; this fight is not over.

Let me just comment on this court decision which a number of people have cited. Last June the 4th Circuit echoed the concerns I have been addressing here today, when it stayed the implementation of the FCC's relaxed ownership rules. But we have no guarantee that the FCC will not pass a new version that would again make it easier for a few big conglomerates to control our airwaves.

In fact, it is quite likely that they will. We will have this fight all over again. So we should spare ourselves and the American people all of that trouble and do the right thing right now, and that is to commission this GAO study on the relationship between filth on the airwaves and consolidation, and in the meantime forbid any further action on putting the control of the airwaves in the hands of these big conglomerates.

I thank the gentlewoman for yielding the time.

Mrs. CAPITO. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I rise today in support of the rule and the underlying bill, H.R. 310, the Broadcast Decency Enforcement Act. This is not about who is running the media, this is about the question of the shock jocks who have been pushing the moral envelope for all too long and the vulgar and indecent comments that come over the public airwaves.

I think that seems to be a very different subject than who happens to own how many shares of stock somewhere. And there was, of course, the Bono use of vulgarity during the Golden Globe Awards, and of course the infamous Janet Jackson wardrobe malfunction during last year's Super Bowl and the half-time show.

This was the last straw for many Americans, and families and parents and concerned viewers erupted in outrage, and rightly so. There is simply no excuse for that crudeness on the public airwaves. I want to emphasize that the anecdotes I just cited are only among the most well-known commercial media strident efforts to edge ever further into the terrain of immorality and debasement.

I commend outgoing Federal Communications Commissioner Michael Powell for showing leadership and for enforcing decency regulations. But at a time where a 30-second television ad costs \$2.4 million, is a \$32,500 cap on penalties, that seems almost absurd.

The legislation before us today would give the FCC true enforcement authority. It increases the cap to half a million dollars, which is a significant fine. It allows the fines to occur per violation instead of per broadcast, and it also permits the fines to be levied against individuals as well as broadcasters and establishes a three-strikes-and-you-are-out policy.

Each of those provisions strengthens the FCC's ability to enforce existing decency regulations and protect the airwaves, and thereby ordinary Americans, from offensive material.

So I would urge that we proceed on the subject before us, which is dealing with these offenses, and worry about the other questions about who owns stocks where at a different time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague from New York (Ms. SLAUGHTER) for yielding the time.

Mr. Speaker, I plan on voting for this bill because I think it is about doing the right thing for the public interest.

But I am going to vote against the rule, because we are missing an opportunity. We miss an opportunity to address the fairness issue, which is a very important one. I also think we miss an opportunity to strike a blow for family values over corporate profit.

It seems that too often when the two are in conflict, invariably this Congress lets corporate profit trump family values. What I am referring to is an amendment that I offered. It is a bill that the gentleman from Nebraska (Mr. OSBORNE), myself, and others have cosponsored, that I put in the form of an amendment because it seemed relevant. What it would do is to treat ED ads on television in the same way that we treat ads for tobacco and hard liquor. They cannot be shown until after 10 o'clock. The reason for doing this is that our airwaves are saturated with these ads for erectile dysfunction drugs. I think it has gotten out of hand and I do not think it is right.

When I bring this subject up, people giggle and it is awkward to talk about it, but it is wrong in prime-time viewing hours, such as the Super Bowl when you have got tens of millions of people watching, a lot of them young kids, to be saturating the American public's mind with these pitches for ED drugs. It is just wrong. Most of it is for the purpose of competing between brands.

It is a particularly relevant issue to the Congress and to the American taxpayer because next year this administration has decided to let Medicare cover these drugs. So here we have a finite amount of Medicare that needs to be used for cancer treatment and heart disease and any number of serious illnesses, and yet we are going to take a substantial amount of this taxpayers' money and use it to give to the drug companies to help them pay for advertising.

As my colleagues know, in the Medicare prescription drug bill, we forbid the Federal Government from negotiating for lower prices of these drugs. These drug companies are paying half a billion dollars a year for advertising these drugs. And now as of next year, the American taxpayer is going to be footing a substantial amount of that bill. It is wrong. These things should not be advertised during family viewing times.

It was one thing when Bob Dole and people of a certain age, which is pretty much my age as well, were the pitchmen. But these are younger actors today. It is disingenuous to be describing this drug as medically necessary. As is the way that they warn of side effects, be careful for a 4-hour experience and so on. We know how disingenuous that is. We can giggle about it, but the fact is it is wrong. It is not appropriate when young, impressionable, teenagers and children are watching. We have some responsibility for what goes across the airwaves. They are public

airwaves. This amendment should have been added to this bill for consideration today.

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

I urge Members to vote "no" on the previous question so I can change the rule to include my amendment to restore fairness and accountability in the media by requiring broadcast licensees to air programming that offers diverse views on issues important to the local communities in which they broadcast. This amendment was offered in the Rules Committee yesterday but was defeated on a party line vote. The majority may claim that the amendment is technically nongermane to the bill, but I think it is an integral part of this discussion.

Mr. Speaker, this issue is not a partisan one. Every Member of the House should be concerned by the direction that the broadcast media has taken, particularly in the last two decades since the rescission of the fairness doctrine. Ratings and sensationalism far too often replace responsible, non-biased, and comprehensive reporting of the news. News is meant to provide balanced and important information on the issues that impact the lives of our citizens. The media has a most important responsibility to its communities to deliver the type of programming that meets the unique needs of each broadcast audience. In fact, it is more than a responsibility, it is an obligation.

Vote "no" on the previous question so that we can include this important amendment. I want to make it very clear that a "no" vote will not stop us from considering the legislation. We will still be able to consider the broadcast decency enforcement bill in its entirety. We will still be able to consider and vote on the Upton-Markey manager's amendment. However, a "yes" vote will prevent us from having any opportunity this year, and probably this term, to debate and vote on the very serious matter of media fairness and responsibility.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question. I urge a "no" vote on the previous question.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

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

Mr. Speaker, most of this debate has focused not on the issue before the House, whether we should raise fines on broadcasters and artists for violating the FCC standards for indecent conduct, but on the unrelated issue of media fairness. I want to point out to the Members that the amendment proposed by the gentlewoman from New York would violate House rules be-

cause it is not germane to the underlying bill. Simply, we have broad bipartisan agreement that we need to be tougher on broadcasters and artists to make sure that children and parents are not surprised by indecent conduct during prime time. We should defer to the committee of jurisdiction, I believe, to evaluate the issues raised by the gentlewoman's well-intentioned but nongermane amendment.

In closing, I would like to reiterate that the FCC has been looking at this issue of indecency and the fines related to it and it is through their efforts that this bipartisan bill has come to bear.

This is about the preservation of family time on our airwaves. It is about preserving the core values and ridding the airwaves during family time of indecency and it ups and makes much more stringent the penalties of those broadcasters and artists who engage in this indecent and inappropriate behavior on the airwaves.

One of the things my colleague from New York said in her opening statement is that viewers need to know what they will see, and I think that is the crux of this bill and this rule. Viewers need to know, families need to know that when they sit down with their families to watch television, they are not going to be exposed to inappropriate and indecent comments or actions on the airwaves.

This is a bipartisan bill. It passed overwhelmingly in the last Congress. I believe it will pass overwhelmingly again here. I urge my colleagues to not only support the rule but to support the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 95—RULE ON H.R. 310, BROADCAST DECENCY ENFORCEMENT ACT OF 2005

#### TEXT

"In the resolution strike "and (3)" and insert the following:

"(3) the amendment printed in Section 2 of this resolution if offered by Representative Slaughter of New York or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (4)".

Sec. 2. The amendment by Representative Slaughter referred to in Section 1 is as follows:

AMENDMENT TO H.R. 310, AS REPORTED OFFERED BY MS. SLAUGHTER OF NEW YORK  
**Public interest standard enforcement**

After section 9, insert the following new section (and redesignate the succeeding sections accordingly):

#### SEC. 10. IMPLEMENTATION OF PUBLIC INTEREST STANDARDS.

(a) IMPLEMENTATION IN LICENSE ISSUANCE AND RENEWAL.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

"(1) IMPLEMENTATION OF PUBLIC INTEREST STANDARD.—

"(1) PURPOSE.—The purposes of this subsection are—

"(A) to restore fairness in broadcasting;  
"(B) to ensure that broadcasters meet their public interest obligations;



“(C) to promote diversity, localism, and competition in American media; and

“(D) to ensure that all radio and television broadcasters—

“(i) are accountable to the local communities they are licensed to serve;

“(ii) offer diverse views on issues of public importance, including local issues; and

“(iii) provide regular opportunities for meaningful public dialogue among listeners, viewers, station personnel, and licensees.

“(2) STANDARDS FOR PUBLIC INTEREST DETERMINATIONS.—The Commission may not issue or renew any license for a broadcasting station based upon a finding that the issuance or renewal serves the public interest, convenience, and necessity unless such station is in compliance with the requirements of this subsection.

“(3) COVERAGE OF ISSUES OF PUBLIC IMPORTANCE.—Each broadcast station licensee shall, consistent with the purposes of this subsection, cover issues of importance to their local communities in a fair manner, taking into account the diverse interests and viewpoints in the local community.

“(4) HEARINGS ON NEEDS AND INTERESTS OF THE COMMUNITY.—Each broadcast station licensee shall hold two public hearings each year in its community of license during the term of each license to ascertain the needs and interests of the communities they are licensed to serve. One hearing shall take place two months prior to the date of application for license issuance or renewal. The licensee shall, on a timely basis, place transcripts of these hearings in the station's public file, make such transcripts available via the Internet or other electronic means, and submit such transcripts to the Commission as a part of any license renewal application. All interested individuals shall be afforded the opportunity to participate in such hearings.

“(5) DOCUMENTATION OF ISSUE COVERAGE.—Each broadcast station licensee shall document and report in writing, on a biannual basis, to the Commission, the programming that is broadcast to cover the issues of public importance ascertained by the licensee under paragraph (4) or otherwise, and on how such coverage reflects the diverse interests and viewpoints in the local community of such station. Such documents shall also be placed, on a timely basis, in the station's public file and made available via the Internet or other electronic means.

“(6) CONSEQUENCES OF FAILURE.—

“(A) PETITIONS TO DENY.—Any interested person may file a petition to deny a license renewal on the grounds of—

“(i) the applicant's failure to afford reasonable opportunities for presentation of opposing points of view on issues of public importance in its overall programming, or the applicant's non-compliance with the Commission's programming rules and policies relating to news staging and sponsorship identification;

“(ii) the failure to hold hearings as required by paragraph (4);

“(iii) the failure to ascertain the needs and interests of the community; or

“(iv) the failure to document and report on the manner in which fairness and diversity have been addressed in local programming.

“(B) COMMISSION REVIEW.—Any petition to deny filed under subparagraph (A) shall be reviewed by the Commission. If the Commission finds that the petition provides prima facie evidence of a violation, the Commission shall conduct a hearing in the local community of license to further investigate the charges prior to renewing the license that is the subject of such petition.

“(C) OTHER REMEDIES.—Nothing in this subsection shall preclude the Commission from imposing on a station licensee any other sanction available under this Act or in

law for a failure to comply with the requirements of this subsection.

“(7) ANNUAL REPORT.—The Commission shall report annually to the Congress on petitions to deny received under this subsection, and on the Commission's decisions regarding those petitions.”.

(b) TERM OF LICENSE.—

(1) AMENDMENT.—Section 307(c)(1) of the Communications Act of 1934 (47 U.S.C. 307(c)(1)) is amended by striking “8 years” each place it appears and inserting “4 years”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to any license granted by the Federal Communications Commission after the date of enactment of this Act.

Ms. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1115

The SPEAKER pro tempore (Mr. CULBERSON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### PROVIDING FOR CONSIDERATION OF S. 5, CLASS ACTION FAIRNESS ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 96 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 96

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 5) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Conyers of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to commit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman

from Massachusetts (Mr. MCGOVERN), 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 96 is a structured rule providing 90 minutes of debate for consideration of S. 5, the Class Action Fairness Act of 2005. The rule waives all points of order against consideration of the bill, makes in order one amendment in the nature of a substitute, it waives all points of order against this amendment, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I urge support for the rule because we have before us a fair rule. I could say an excellent rule. The previous gentleman from Massachusetts was rating these rules. But this is fair in both senses of that term, a fair rule that gives Members on both sides of the aisle a chance to discuss their ideas on class action reform. I believe there is a general consensus that our system for class action litigation is flawed.

As demonstrated by the other body, there is bipartisan support for the measure that will be coming before us. In fact, the other body passed this measure by a vote of 72 to 26 with strong bipartisan support. Even with that bipartisan support, however, there are differences of opinion on how to reform our class action system. This bill through granting consideration of a substitute amendment will allow us to openly discuss these opinions and ideas.

Mr. Speaker, our general tort system costs American businesses \$129 billion each and every year. Even our smallest companies pay collectively about \$33 billion a year, or 26 percent of the overall tort costs to businesses borne by our smallest companies. Class action reform is a first step in litigation reform aimed at providing relief for these small businesses. I am pleased that we are finally seeing the light at the end of the tunnel. This Chamber has passed class action litigation reform on four previous occasions. It is about time that we sent a reform package to the President's desk for his signature.

The underlying bill will make several key reforms including expanding Federal jurisdiction over large interstate class actions as originally intended by our Founding Fathers, create exceptions that keep truly local disputes in State courts, provide an end to the harassment of local businesses as part of this forum shopping game, and create a consumer class action bill of rights.

Mr. Speaker, I would like to again urge my colleagues to support this rule which passed out of the Committee on Rules without objection and to vote in favor of the underlying bill which will provide this much needed reform.

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

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