

person or phone number listed is truly that person. The average citizen has no idea that caller ID can be manipulated so that the person or number appearing is totally false.

I first learned of caller ID spoofing when I read news articles about our colleague from Pennsylvania (Mr. MURPHY) becoming a victim of it. His own constituents thought they were receiving calls from his district office, and these calls were far from appropriate.

I then learned that this technology is being used across the country to allow unscrupulous people to trick unsuspecting people to release personal information. It is so easy for someone to pretend to be Chase Manhattan or Citibank or even a person's doctor. These services even provide technology to change the sound of a person's voice. I could set it to sound like a 25-year-old woman or an 80-year-old man.

Mr. Speaker, I quickly became convinced we needed to address this issue quickly, because obviously what these people are doing is legal and we are playing catch-up to catch up with them. Having thought about this issue in great depth, I became convinced what happened to our colleague from Pennsylvania was just a harbinger of what is to come.

I believe that right now there are people in our country who plan to use this technology to interfere with our elections. Just imagine, the day before an election, a group of people using this technology make hundreds of calls pretending to be leaving a message from the office of a candidate. That message could be rude, insulting, crude, slanderous, sexist, or racist, and it would look like the candidate or the candidate's organization made the calls. The damage would be done, and these people who will do anything to destroy our democracy will have won. But today, the House takes a bold step toward protecting our Nation from these insidious criminals.

Finally, I would like to thank my staff and the committee's staff who worked on this legislation. Pete Leon of my staff, Kelly Cole and Will Norwind from the majority, and Johanna Shelton, Pete Filon, and Colin Crowell from the minority.

I hope we can pass this without any opposition.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5126, the "Truth in Caller ID Act." And I commend the Chairman of the Committee on Energy and Commerce, JOE BARTON, and Representative ELIOT ENGEL for introducing this bipartisan bill.

Many consumers subscribe to caller ID services that let them know the number of an incoming telephone call and the name of the caller. Consumers often rely on this caller ID information to decide whether to answer a call. Consumers should be able to trust that the caller ID information has not been changed for fraudulent or harmful purposes.

Until recently, manipulating caller ID information, also called "spoofing," was difficult

and required expensive equipment. Unfortunately, advances in technology have allowed individuals with fraudulent intent, and others seeking to do harm, to easily spoof their caller ID information, making calls appear to originate from a different person, organization, or location. As such, the recipient of a call that has been spoofed may answer the call thinking that it is coming from someone from whom it is not.

There are legitimate reasons to spoof caller ID information. For example, a domestic violence clinic may alter its caller ID information to mask its identity. This is important for the safety of victims of domestic violence since many victims seek help while they are still living with their abuser.

Caller ID spoofing, however, can be used for nefarious purposes. In a widely reported case, SWAT teams were dispatched to an apartment building in New Brunswick, New Jersey, last year after authorities received a call from a woman saying that she was being held hostage. The caller had spoofed the caller ID information to make it appear as though the call was coming from inside the building.

Caller ID spoofing is also used to gain personal information from a consumer so a criminal can more easily steal the consumer's identity. Equally troubling is the use of such spoofing by predators to cause physical or emotional harm to their victims.

H.R. 5126 will help put an end to caller ID spoofing for fraudulent or harmful purposes. Specifically, the Act makes it unlawful for someone to change their caller ID information with the intent to defraud or cause harm to another person.

This bill is good consumer protection legislation. I am pleased to support it and I urge my colleagues to do the same.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5126, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### BROADCAST DECENCY ENFORCEMENT ACT OF 2005

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 193) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

The Clerk read as follows:

S. 193

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadcast Decency Enforcement Act of 2005".

#### SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Notwithstanding subparagraph (A), if the violator is—

“(i)(I) a broadcast station licensee or permittee; or

“(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

“(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed \$325,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,000,000 for any single act or failure to act.”; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I again ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 193 the Broadcast Decency Enforcement Act of 2005. This legislation is virtually identical to H.R. 3717, as introduced by my good friend, Mr. MARKEY, Chairman BARTON, Mr. DINGELL, and myself in the last Congress on January 21, 2004, which I would note was about a week and a half before the infamous Janet Jackson/Justin Timberlake Superbowl halftime show. That legislation was the predecessor of H.R. 310, which the House passed in this Congress on February 16, 2005 by a vote of 389–38.

While S. 193 omits a number of important provisions contained in H.R. 310, I believe that passage of this legislation will help us achieve our ultimate goal, which is to help ensure American families that broadcast television and radio programming will be free of indecency, obscenity, and profanity at times when their children are likely to

be tuning in, whether that be in the living room watching TV or in the car listening to the radio.

This is about protecting the public airwaves, and Congress has given the FCC the responsibility to help protect American families in that regard. The courts have upheld the constitutionality of our broadcast decency laws, although they have limited the FCC's enforcement to only that content which is aired between the hours of 6 in the morning and 10 at night, when children are most likely to be listening or viewing.

What compelled me to act on this, even before the infamous half-time show, was a review of the Notices of Apparent Liability issued by the FCC in but a few of its radio broadcast indecency cases. And, of course, each case had a transcript of the content that was at issue.

My friends, public decorum on this floor precludes me from reading those transcripts out loud, but what I will say is that what I read was disgusting, vile, and had no place on our public airwaves.

I was glad to see my colleagues, Mr. MARKEY, Mr. BARTON, former Congressman Tauzin, and Mr. DINGELL agreed with me as well. These cases included descriptions of people having sex in Saint Patrick's Cathedral, lewd scenes of a daughter having oral sex with her dad, and a case in which radio hosts interviewed high school girls about their sexual activities with crude reference to oral sex, with the sound effects to match, and I could go on and on and on.

More recently, on March 15, 2006, the FCC issued a Notice of Apparent Liability regarding a scene in a broadcast network program which graphically depicted teenage boys and girls in various stages of undress participating in a sexual orgy. Again, I will not describe everything that was said there, but I can say that the program aired at 9:00 P.M. in the central and mountain time zones and it drew a significant number of citizen complaints from across the country.

We have no place for that on the public airwaves. And while I am not a lawyer, I would hope it would be beyond dispute that such content is indecent under the law and does not belong on the public airwaves, particularly at times when children might be viewing or listening.

In many of those most egregious cases, the radio and TV stations are owned by huge media conglomerates, but the current statutory maximum fine which the FCC can impose upon them for indecency violations remains at \$32,500. In the words of former FCC Chairman Michael Powell, he said this, "Some of these fines are peanuts. They are peanuts because they haven't been touched in decades. They are just the cost of doing business to a lot of producers. And that has to change."

Well, Mr. Speaker, this legislation in fact changes that. We have a chance to

increase by tenfold the existing statutory maximum penalty for indecency violations. The bill would raise the cap per violation from \$32,500 to \$325,000.

I believe that broadcasters do have a special place in our society, given that they are stewards of the public airwaves. And with that stewardship comes the responsibility, including adherence to our Nation's indecency laws. Most broadcasters are responsible, and many recently have taken steps to redouble their commitment to keeping indecency off the public airwaves. But for those broadcasters who are less than responsible, the FCC needs to have the teeth to enforce the law, and this bill, S. 193, will give the FCC that teeth.

The bottom line is this: We do not change the standards that the courts have affirmed are permissible for the public airwaves, particularly when children might be listening. This bill simply raises the fine on the violators of the existing standards, and it needs to be passed tomorrow.

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

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

Mr. Speaker, I want to commend Chairman UPTON for this legislation and commend as well Chairman BARTON, Ranking Member DINGELL for the cooperative bipartisan way this bill has been handled.

Mr. Speaker, this legislation, S. 193, is similar to legislation that previously passed the House. It was approved by the Senate unanimously a few weeks ago. This bill, simply put, raises the cap on possible fines that the FCC can levy for violations of its broadcast indecency rules from \$32,500 per broadcast licensee to \$325,000.

I would like to emphasize that this legislation does not make indecent broadcast illegal, nor does the bill define what is or is not indecent material. Indecent content aired over broadcast TV and radio is already illegal between the hours of 6 a.m. and 10 p.m. What speech constitutes indecent material will be left to the FCC and the courts to determine.

Again, this legislation simply updates the statute with respect to the amount of money that the FCC can levy as a fine for violations of its rules, and establishes procedures for considering broadcast license awards, renewal, or revocation when repeated violations are found.

I think this legislation has obvious broad support on both sides of the aisle because it merely increases the amount of fines available to the FCC to enforce its existing rules. I intend to support it, and again commend Chairman UPTON, Chairman BARTON, and Ranking Member JOHN DINGELL, and our other colleagues on this bill as well.

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

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, I plan to support this legislation, as I supported the House legislation, to clear up the public's airwaves and punish those broadcasters who violate the law and the standards of the community that they are licensed to serve.

I am perhaps the only Member of the House of Representatives who is a broadcast licensee. For 20 years, my wife and I have owned and operated radio stations in Oregon. I grew up in a pioneer broadcast family. I rise tonight, however, to express concern about the FCC's recent decisions regarding indecency and profanity.

Frankly, the decisions of the Commission leave me and many of my colleagues in the broadcast world a bit confused about where the boundaries are, which has been a problem for the Commission for many years. The Commission found that certain words, which we would find very offensive, could be used in the context of airing Saving Private Ryan. However, perhaps words that would be found less offensive could not be used in an episode of NYPD Blue.

Mr. Chairman, given the tenfold increase in fines that this legislation authorizes, I think it is exceedingly important for broadcast licensees to have a clear understanding of the rules from the FCC. So I would ask you to lend your good office to encourage the FCC to achieve clarification in these areas.

I think it is also important, Mr. Speaker, that Americans understand what we are doing here tonight only affects over-the-air public airwaves, radio and television broadcast licensees. If you think that the TV in your family room is suddenly going to have every program cleaned up, you are mistaken, because we are not allowed at this point to deal with issues involving cable television or satellite television or satellite radio. Indeed, when we began having hearings on this very issue of profanity in the radio broadcast spectrum, one of the individuals who probably caused the most ruckus on the public airwaves shifted over to satellite radio so that he could carry on there unfettered.

I realize these are subscription services, but I think for many Americans, when they catch cable television in their homes, they don't really differentiate any more about the four channels that may be public broadcast channels, over-the-air broadcasts, from those that are on up the dial for the next 400.

□ 2030

So they may wonder why it is that we can take this action tonight against licensees of the Federal Government. Now, cable services do have the ability to regulate individually within the home and block certain programs, so perhaps parents will take it upon themselves to self-regulate the home.

Meanwhile, broadcasters are going to need clarification when the fines are

going to be increased ten-fold, and not all broadcasters are parts of conglomerates. Some are mom-and-pop operators in small communities across America who rise to the challenges of serving their communities in times of natural disaster and just in terms of community events. They will need this guidance because a fine of \$32,500 today on the books could bankrupt many of those small, independent broadcasters.

Mr. Speaker, I hope you will work to clarify this so the broadcasters know the rules under which they need to operate and do not violate them unintentionally.

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

Mr. WALDEN of Oregon. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I look forward to working with the gentleman to clarify the rules. It is very important that broadcasters know precisely what the rules are. We can do a better job.

We are taking the Senate legislation as it was passed. I think we had some better language in the House. I look forward to working with you and other Members on both sides of the aisle to make this a bipartisan effort and lay those ground rules out so everyone, whether it is listeners or broadcasters, knows precisely the rules of the road and hopefully will not get into trouble for it. I thank the gentleman for his input all along in the process.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the chairman for his leadership in this area as we clean up the public air waves and also come to standards that are clearly understood by all so that inadvertent violations do not occur. And also, a recognition of small-market broadcasters versus the big major ones where even \$300,000 may seem insignificant in their revenue stream.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today for the third time in 3 years to speak out against what I consider the wrong approach to media indecency, and that is increasing FCC fines.

S. 193, the Broadcast Decency Enforcement Act, represents a weak attempt at improving our media, an uncreative policy that will harm our creative community.

Mr. Speaker, we all believe in the need to reduce indecency in media. Parents should not have to worry about what they might encounter with their children when they sit down together to watch TV. But indecency fines will not solve this problem because they do not address its root cause: media concentration and a lack of competition.

When big media gets bigger, conglomerates move further away from quality programming and the principles of diversity, localism and competition, crucial for the service of public interest. Will monetary penalties encourage return to these principles? I sincerely doubt it.

Instead, we need a competitive media environment that provides viewers and listeners with real choices in their entertainment. We need programming that respects the public and performers rather than catering to the lowest common denominator and dumbing down our culture. A consolidated media market controlled by a profit-driven conglomerate is bound to offer cheaply made, shocking entertainment for the sake of increasing viewership and making a spectacle of itself.

Our artists need to be able to work in an environment where creativity is honored. This will never happen under a system of censorship. Creators cannot read the FCC's minds on their definition of indecency. We must work with our creative community to encourage quality media content, not simply offer vague guidelines with high consequences.

That is why I have supported making the fulfillment of public interest obligations an element of the broadcast licensees' renewal requirement and the restoration of the fairness doctrine. It is why I encourage the FCC to think about the impact that media consolidation has on media content and our national character as they begin rewriting their ownership rules, rules that upset millions of Americans and lawmakers on both sides of the aisle.

Mr. Speaker, the indecent media culture we witness today will not be modified by simply increasing fines. It must be transformed through less media consolidation and greater requirements to serve the public interest.

I am sorely disappointed that both Houses have chosen the easy route of increasing fines rather than making a serious attempt to curb indecency by addressing the major problems in our media.

So I would urge my colleagues to vote against this bill, and let's try over again.

Mr. MARKEY. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

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

I would just like to make a couple of closing comments. Again, I thank the gentleman from Massachusetts for his help on this from the start. It was in December 2003 I called him at his home in Massachusetts and asked if he would like to co-author this with me. With that support came the support of then-Chairman Tauzin and the gentleman from the great State of Michigan (Mr. DINGELL).

The four of us introduced this legislation. A week and a half before the Super Bowl, we had our first hearing, in fact, before the Super Bowl came about where it got a lot of publicity. I know all of us on the committee and subcommittee when we held hearings were absolutely disgusted with some of the trash that was said on the radio that was fined. I would like to use a different word than "trash" or "stuff," but we would probably get fined for

doing that on the House floor, and maybe our words would get taken down. I'm not sure. But it was awful, particularly knowing that kids were listening to that kind of talk.

It was a bipartisan effort. As I recall, I think we had a vote of 49-1 to get that legislation through. I think the bipartisan spirit we have had from the beginning, and I think our House bill was a little better than what the Senate has here in S. 193, but we need to get it done. That is why I was glad to work with the Senators on both sides of the aisle. And I would note this, not a single Senator, not a single one from any State, opposed the legislation that we are going to pass with this bill, S. 193.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 193, the "Broadcast Decency Enforcement Act of 2005".

More than a year ago, the House overwhelmingly passed a broad measure to ensure that viewers and listeners would be properly protected from indecent broadcasts over the public airwaves. The Senate has now sent back just one piece of that more comprehensive measure.

The legislation before us will raise the maximum fine for indecent broadcasts tenfold, from \$32,500 to \$325,000. Increasing the amount that the Federal Communications Commission (FCC) can fine a company that broadcasts obscene or indecent programming is important, particularly given the growing size of these companies due to media consolidation.

Raising the level of potential fines is a good first step, so I support this measure. But it falls short of being a comprehensive solution to hold the FCC's feet to the fire on this issue.

People who are offended by indecent broadcasts on the public airwaves deserve prompt and thorough consideration of their complaints. Previously, the FCC had let some complaints languish for years, resulting in their dismissal. Unfortunately, delays continue. The viewing and listening public still does not receive prompt evaluation of their complaints, and the Commission's treatment of many consumer indecency complaints remains haphazard.

The House last year approved a much stronger and more comprehensive bill by a vote of 389 to 38. The bill would have increased the fines to \$500,000 and given the FCC additional tools to fight indecency over the public airwaves. More importantly, it would have required the FCC to act on consumer complaints within a specific timeframe. It would have also made the Commission more accountable by requiring regular reports to Congress on its enforcement activities. This reporting requirement would have ensured that Congress was aware of any FCC action or inaction regarding complaints from our constituents regarding indecent broadcasts. The Senate bill does not take these steps to make the Commission more responsive or accountable.

Consumers would have been better served if the House and Senate had negotiated a compromise bill that included several of the provisions from the House bill to keep the FCC accountable. Nonetheless, S. 193 is a step in the right direction. As such, I support this bill and urge my colleagues to do so as well.

Mr. GENE GREEN of Texas. Mr. Speaker, most of us remember Super Bowl XXXVIII, but

not for the reason that most of us Houstonians would like.

The game was a great showcase for Houston and one of the best in Super Bowl history. The New England Patriots edged out the Carolina Panthers by a score of 32 to 29 in a wild fourth quarter that ended with an Adam Vinatieri field goal with four seconds left.

Unfortunately, Americans remember that game for the offensive halftime show featuring Justin Timberlake and Janet Jackson.

Performers can do whatever they like on their albums, or on subscription services like HBO, and as a Member of Congress I swore an oath to uphold the Constitution and protect all Americans' First Amendment rights of freedom of speech and expression.

But public obscenity purely designed to shock people has no place on primetime broadcast television using the public's airwaves.

Almost every American home has a television and there is nothing a parent can do to protect against indecency on broadcast radio or television.

American families should have the right to watch the Super Bowl without expecting indecent performances, and the current FCC fines were clearly not a deterrent. Therefore, this legislation increases the fines for broadcast indecency by 10 times.

However, the Commission should only use this power against blameworthy broadcasters. A \$325,000 fine is a much bigger stick for the FCC to use against indecent broadcasters, so the level of responsibility of the FCC must also increase.

When an independent affiliate airs network programming that turns out to be indecent, the FCC should only punish an affiliate if there was a reasonable opportunity to review questionable taped material or reason to know that such material was likely.

In cases where only the network knows what is going on the air, it stands to reason that only the network should bear the burden for such violations.

Section 503(b)(2)(D) allows the FCC to consider the circumstances of a violation in determining the amount of a penalty. The Commission should use that power wisely and recognize that you cannot deter indecent programming by fining independent affiliates with no control over the content.

Mr. GONZALEZ. Mr. Speaker, I rise to express my support for S. 193, The Broadcast Decency Enforcement Act of 2006, our constituents should expect that when they turn on their local broadcast television and radio stations, they will not be subjected to obscene, indecent, and profane material. I believe this legislation does take the necessary steps to ensure that there is a sufficient deterrence to broadcasters who are careless as to their responsibilities to the general public.

But, Mr. Speaker I am concerned that this legislation may fail to take into sufficient account the economic conditions of a broadcaster. There are numerous small broadcasters who serve small or niche market. This is particularly true of minority owned stations or stations that target the minority viewers. I urge the Federal Communications Commission when it uses its power under Section 503(b)(2)(D) of the Communications Act of 1934 to consider the size of the market that the broadcaster serves and its ability to pay when assessing a fine for airing questionable

material, as this body approved when it passed the companion House legislation to this bill—H.R. 310 several weeks ago.

I also believe that the Commission should consider the source of the obscene, indecent, or profane programming when levying a fine. When a local affiliate not owned or controlled by a network airs questionable programming supplied by the network, the FCC should penalize the party who was really at fault. If the local affiliate was not given a reasonable time to review an offensive taped or scripted program before it aired, or if it aired an offensive live or unscripted program without reason to believe it was offensive, the fault arguably lies not with the local affiliate but with the network that supplied the program. Section 503(b)(2)(D) allows the Commission to adjust a penalty based on the culpability of the violator, the circumstances of the violation, or any other matters as justice requires. I believe that a situation where a local affiliate was left "in the dark" about obscene, indecent, or profane material in a program from the network calls for just such an adjustment.

Thank you again, Mr. Speaker, for moving this important legislation forward.

Mr. ACKERMAN. Mr. Speaker, I am continually amazed that defending our Constitutionally guaranteed freedom of speech is such a lonely job in the House of Representatives. I believe in decency and protecting children as much as any Member, but what is at stake here is freedom of speech and whether it will be nibbled to death by election-minded politicians and self-righteous pietists.

If you don't believe that this so-called Broadcast Decency Act will have a chilling effect on free speech, let's take a look at a few examples of how the culture of censorship has spread to the airwaves over the past few years.

Numerous ABC affiliates refused to commemorate Veteran's Day by airing the movie "Saving Private Ryan" because they feared an FCC fine. Ironically, ABC had previously aired unedited versions of the World War II movie in 2001 and 2002 without incident.

Many PBS stations refused to air an episode of the children's show "Postcards with Buster" because Buster, an 8-year-old bunny, learned how to make maple syrup from a Vermont family with two mothers.

CBS refused to air a political advertisement during the Super Bowl because it was critical of President Bush's role in creating the Federal deficit.

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, and the networks felt that it was "too controversial" to air.

This is how free speech dies: with the pruning of self-satisfied politicians and the whimpering of fearful citizens. These are just a few examples that occurred before this ill-conceived bill has even been signed into law. Broadcasters will certainly increase these practices and bite their tongues when "decency" enforcers can slap them with a \$325,000 fine, multiplied by numerous stations. How much farther down the slippery slope of censorship will we slide?

Even more galling is that this free-speech assault is coming from a mere fragment of the public, one organization—the Parents Television Council—representing the religious right and their far right-wing political agenda. This

organization, which is responsible for 99.9 percent of the so-called indecency complaints filed with the FCC, boasts "nearly 1 million members." True or not, while that may be a sizable number for an individual organization, when compared to the almost 300 million people currently living in the United States, it really amounts to a small handful of people—less than one percent. Why should this tiny population of scolds be allowed to censure what the remaining 99.66 percent of us listen to?

It is not for this Congress to put limits on free speech. The public decides what they want to listen to and what they want to hear. They can change the channel, they can change the station, they can turn it off. It is not just speech that we agree with and we think is right that we have to tolerate. The true test of freedom of speech is if we tolerate ugly speech, obnoxious speech, and speech that we disagree with.

We need to defend our Constitution. We need to defend freedom of speech, and that is really what is at stake here. Passing this bill is a huge mistake and this vote will mark a very dark day in American history. We are going down a slippery slope and no one can honestly say where it will stop. A vote for this bill is a frontal assault on our Constitution and the protections that it gives to the American people.

Mr. Speaker, I for one will be voting against this bill, and I urge my colleagues to do the same.

Mr. UPTON. Mr. Speaker, I urge all of my colleagues to support this when we take the vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 193.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. 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.

#### EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES WITH REGARD TO THE IMPORTANCE OF NATIONAL WOMEN'S HEALTH WEEK

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 833) expressing the sense of the House of Representatives with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health, as amended.

The Clerk read as follows:

H. RES. 833

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;