

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;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week: Now therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of programs that provide research and collect data on common diseases in women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I 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 Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 833, authored by Mr. HINCHEY, Mrs. BONO and Mrs. CAPPS, expressing the sense of Congress on the importance of Women's Health Week.

Each year Women's Health Week promotes awareness about steps women can take to improve their health. The focus is on the importance of incorporating simple, preventative, and positive health behaviors into women's everyday lives.

When women take simple steps to improve their health, the results can be significant. Many of the leading causes of death among women, such as heart disease, cancer, stroke and diabetes are preventable and treatable if the warning signs are recognized.

Events like National Women's Health Week and National Women's Checkup Day are great opportunities to tell someone you love that their health is important. Remind a mother, sister, spouse, daughter or friend to get regu-

lar checkups, exercise regularly, eat a healthy diet, quit smoking, and follow safety rules.

I commend the hundreds of volunteers, women's groups, health organizations, businesses, and charitable organizations who have helped to make National Women's Health Week a success.

Mr. Speaker, I urge my colleagues to support the resolution in recognition of National Women's Health Week.

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

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

Mr. Speaker, I rise in strong support of H. Res. 833, which celebrates National Women's Health Week. I would like to thank my colleagues, Mr. HINCHEY, Mrs. BONO, and Mr. HAYWORTH, for their work on this issue, as well as our chairman, Mr. DEAL.

This week is celebrated annually in order to raise awareness about diseases and conditions that specifically affect women. This also includes how common diseases affect women differently than they affect men. For too long research lacked gender specificity, and because of that, we lacked vital information about how women experience disease differently from men. This is especially true with respect to heart disease, and that happens to be the number one killer of women.

Women's Health Week is also a time to raise awareness about important preventive care measures that all women should take. With the growing number of uninsured in this country, it is no surprise that women are skipping doctor visits that ought to be routine. Knowing that this is especially true for low-income women and minority women, I applaud national efforts to use National Women's Health Week as a time to offer free screenings and conduct outreach to communities that are often left behind.

National Women's Health Week is not just a concept, but it truly is a large-scale effort by individuals, government, local and national organizations in order to highlight practical steps women can take to improve their lives and their health.

During this week, women can access essential checkups, services like mammograms and bone density screenings. These screenings can catch serious conditions like breast cancer early before it is life-threatening, and osteoporosis before it results in fractures.

I support this resolution celebrating National Women's Health Week because it focuses attention on gender disparities in health care delivery. I urge my colleagues to support it as well.

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

Mr. DEAL of Georgia. Mr. Speaker, I continue to reserve my time.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank my dear friend and colleague, the gen-

tlewoman from California, for organizing the time for this discussion this evening.

I think this resolution before us at the moment is very, very important. It calls upon the House of Representatives to recognize the importance of National Women's Health Week. The importance of National Women's Health Week is to draw people's attention from all across our country to the issues that affect the health of women in America. And those issues affect women of all ages.

One of the things that we are attempting to do with regard to National Women's Health Week is to draw attention to the necessity to try to live better lifestyles, healthier lifestyles, and to take advantage of the opportunities for medical screening.

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One of the unfortunate situations that we confront in our country, of course, is the fact that we still do not have a system of national health insurance. And so consequently, many women will not be able to take advantage of opportunities to get medical screening because they do not have insurance.

But, in the meantime, this resolution focuses attention on the need to live healthier lifestyles, to be aware of the various diseases and other health concerns that affect women, to take the necessary precautions to deal with those issues, to live the healthiest possible lifestyle, and to get the best appropriate medical attention.

It also thanks all of the agencies, and organizations across our country that devote their time and attention to the issue of women's health. Women's health is important for all of us, and that is why this resolution is so important for the Members of this House and for all of our constituents all across America.

I ask my colleagues to devote their attention to this resolution, to support it favorably, and to ensure its passage, because this issue is critically important to every single family in America. I ask that we give it the appropriate attention that it deserves and that the resolution be passed unanimously.

Mr. DEAL of Georgia. Mr. Speaker, I do have an additional speaker who has arrived. I am pleased to recognize my colleague from Georgia, Dr. PHIL GINGREY, for 2 minutes.

Mr. GINGREY. Mr. Speaker, I thank my colleague, Chairman DEAL of the Health Subcommittee of Energy and Commerce. I thank Representative HINCHEY and Representative CAPPS and all Members who bring this resolution, 833, before us this evening.

Those of us involved in health care, like Representative CAPPS, as a registered nurse, and myself, as a physician, and not only a physician, but also a specialist dealing with women's health issues, as an OB-GYN, understand the importance of recognizing that this is National Women's Health

Week. It promotes awareness of diseases that specifically affect women and encourage them to take preventive measures to ensure good health.

It is a time when we need to tell all the women in our lives, our mothers, our wives, our sisters, our daughters, our aunts, in my case, my children and grandchildren, and friends, how important it is to take time out for their health. It can be as simple as taking the stairs instead of an elevator, eating healthier or scheduling an appointment with a health care provider.

Mr. Speaker, as an OB-GYN physician for nearly 30 years, I cannot stress enough how important a good relationship with your doctor is in maintaining your health. Women need to have conversations with their physicians regarding family history. They clearly need to understand the importance of screening tests and how to manage chronic diseases.

I want all of America's women to take a moment to focus on promoting health and preventing disease and illness by taking very simple steps to improve their physical, mental, social and spiritual health.

And I thank the chairman for allowing me to address this issue.

Mrs. CAPPs. Mr. Speaker, I actually have no additional speakers, and so I would yield back the balance of my time, by urging our entire body to follow as we seem to be in unanimity here this evening discussing this legislation that we adopt this resolution unanimously in the House as well.

Mr. DEAL of Georgia. Mr. Speaker, I have no further requests for time and therefore, I would yield back the balance of my time and urge the adoption of the resolution.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 833, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 265) supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month, as amended.

The Clerk read as follows:

H. RES. 265

Whereas osteoporosis, a disease characterized by low bone mass, structural deterioration of bone, and increased susceptibility to fractures, is a public health threat for an estimated 44 million Americans;

Whereas in the United States, 10 million individuals already have the disease and al-

most 34 million more are estimated to have low bone mass, placing them at increased risk for osteoporosis;

Whereas one in two women and one in four men over age 50 will have an osteoporosis-related fracture in her or his remaining lifetime;

Whereas building strong bones during childhood and adolescence can be the best defense against developing osteoporosis later;

Whereas osteoporosis is often thought of as an older person's disease, but bone health is a concern for any age;

Whereas substantial risk has been reported in people of all ethnic backgrounds;

Whereas osteoporosis is responsible for more than 1.5 million fractures annually;

Whereas the Surgeon General of the Public Health Service says that caring for bone fractures from osteoporosis costs America \$18 billion annually;

Whereas the Surgeon General believes that bone health is critically important to the overall health and quality of the life of Americans; that it is in jeopardy and will only get worse if left unchecked; and that great improvements in the bone health status of Americans can be made by applying what is already known about early prevention, assessment, diagnosis, and treatment;

Whereas optimum bone health and prevention of osteoporosis can be maximized by a balanced diet rich in calcium and vitamin D; weight-bearing exercise; and a healthy lifestyle with no smoking or excessive alcohol intake; and

Whereas May 2006 would be an appropriate month to observe National Osteoporosis Awareness and Prevention Month: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of National Osteoporosis Awareness and Prevention Month and urges the people of the United States to observe appropriate programs and activities with respect to osteoporosis, including talking with their health care professionals about their bone health.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from California (Mrs. CAPPs) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I 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 Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume. And I rise today in support of House Resolution 265, a resolution authored by Representatives BERKLEY and BURGESS, that establishes a National Osteoporosis Awareness and Prevention Month.

Osteoporosis is a disease characterized by low bone mass and structural deterioration of bone tissue which can lead to fragile bones and an increased susceptibility to fractures, especially the hip, spine and wrist.

Osteoporosis is a major health threat for an estimated 44 million Americans,

or a full 55 percent of people 50 years of age and older. In the United States, 10 million individuals are estimated to already have the disease and nearly 34 million more are at an increased risk for osteoporosis.

Of the 10 million Americans estimated to have osteoporosis, 8 million are women and 2 million are men.

Osteoporosis is often called a silent disease because it can progress very slowly over time without symptoms until a fracture occurs. The consequences of osteoporosis can be devastating, painful, costly and even deadly. Approximately 20 percent of hip fracture patients will die within a year after their fracture, usually from complications related to the fracture.

People tend to assume that osteoporosis is an inevitable part of aging. But for the most part, it is preventable. Prevention of osteoporosis should begin in early childhood and continue throughout life. Building a strong skeleton during childhood, adolescence and young adulthood can help people avoid osteoporosis later in life.

The National Osteoporosis Foundation recommends five steps that can optimize bone health and help prevent osteoporosis. First, eat a balanced diet rich in calcium and vitamin D to build and maintain strong bones. Foods rich in calcium include dairy products like milk and cheese and fish like salmon. Very few foods are rich in vitamin D, but milk is often fortified with vitamin D. Sunlight exposure to the hands, face and arms for 5 to 15 minutes, two to three times a week, helps the body produce its own vitamin D.

Second, engage in weightbearing exercise.

Third, don't smoke or drink too much.

Fourth, talk to your doctor about bone health.

And fifth, have your bone density tested and take medication as directed by a physician.

The activities of National Osteoporosis Awareness and Prevention Month encourage Americans to take the proper steps to protect themselves from osteoporosis, including talking with their health care professionals about their bone health.

Mr. Speaker, I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mrs. CAPPs. Mr. Speaker, I thank my colleague, the chairman of our committee.

I particularly want to thank my colleague, Congresswoman BERKLEY, for her work on raising awareness about osteoporosis. It has been a particular mission of hers and it is making a difference around the country, that women are stepping forward on this issue.

As we may know, osteoporosis affects around 10 million Americans, most of whom are over 55, and it is the cause of an estimated 1.5 million fractures annually.

It is often called the silent disease because this bone loss occurs without