

my judgment that because the President—because Republicans so adamantly said it cannot be paid for, and because we need 60 votes, that it will not be paid for. That is just a judgment I made. I suggest we bring up legislation, pass an AMT patch for 1 year, and also include the extender provisions which will be paid for.

That is where we are going to end up. Everybody knows that is where we are going to end up. If that is where we are going to end up, let's just do it, not go through this kabuki here, these games, not use this as leverage to offer amendments that are going nowhere and will never be enacted, that are just political. But we are unfortunately in a position where we are not yet free to pass legislation that we know at some point we are going to end up with; that is, AMT not being paid for and all the extenders paid for.

I again underline how much we on this side of the aisle are trying to get the AMT passed. Up to this point we are being blocked by the other side. We are going to keep trying. The earlier we get this passed the better because the forms can be sent out more quickly, the computer programs changed more quickly, and we are going to keep at it because it is the right thing to do. And, second, we are going to do it anyway. If it is the right thing to do and we are going to do it anyway, why don't we do it now?

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. CARDIN.) Without objection, it is so ordered.

(The remarks of Mr. CASEY pertaining to the introduction of S. 2407 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CASEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from North Dakota is recognized.

#### MEDIA CONCENTRATION

Mr. DORGAN. Mr. President, about 2 hours ago, the Commerce Committee of the Senate took some action on a bill I offered along with my colleague, Senator LOTT from Mississippi. I wish to talk about the Media Ownership Act of 2007 for just a moment. I hope, perhaps,

the Chairman of the Federal Communications Commission may take note and watch what the Commerce Committee did.

This issue is very important. It has been around for a long time. It deals with media concentration. Some years ago—in 2003—the then-Chairman of the Federal Communications Commission, Michael Powell, rounded up two other votes and by a vote of three to two passed a new FCC rule allowing a relaxation of ownership limits for television and radio stations, and for newspapers, and here is what they concluded back then. It is almost unbelievable. They said it will be OK with them if, in the largest American cities, one company owned eight radio stations, three television stations, the newspaper, and the cable company—they would all be owned by the same company. They said that would be just dandy.

Well, the fact is, it was not fine with me, and I fought it. Senator LOTT joined me back then. We offered a resolution of disapproval of the FCC rule and it passed the Senate. In the meantime, the Federal court of appeals stayed the rule, and so the rule never went into effect. But it was unbelievable to me that the Federal Communications Commission thought that what we really needed in this country was more concentration in the media.

Well, the idea is not dead. The current Chairman of the Federal Communications Commission came up recently with an idea of relaxing ownership rules, and he announced—in an op-ed piece in the New York Times and then in a press release he was going to propose a new set of rules that relax the ownership restrictions. So he said: We are going to announce the rule in November, and I am going to ask for a final FCC vote by December 18.

He says his proposed rule is a real compromise. It is going to allow the ownership of the newspaper and a television station in each of the 20 largest markets in our country. These top 20 markets, by the way, cover one-half of the population of America. He will relax the ban that exists on cross-ownership between newspapers and television stations.

Now, I do not know that anybody is lying awake at night in this country thinking about our most serious problems and deciding that one of the biggest problems in America is that newspapers are not allowed to buy television stations. We have a cross-ownership ban for good reason, in my judgment, but apparently the Chairman of the FCC has been lying awake thinking: We have to fix this. So he has come up with a rule that says: Well, let's let newspapers buy television stations.

We just passed a bill, S. 2332, over in the Commerce Committee that would stop what the FCC is doing and would not allow them to proceed with the December 18 date. It would require that the American public be allowed to weigh in on these issues. We say in our

bill that passed unanimously in the Commerce Committee that you have to have a process that is fair to the American public. You cannot decide to announce, "Here is my rule," in November, and then drive it through to a conclusion in December.

The Chairman says: Well, but we had six hearings around the country. We did this. We did that. None of those hearings would have given people an opportunity to comment on this rule because the rule did not exist when he held the hearings. He waited until the hearings were all done and then announced the rule and then has tried to jam this home by December 18. That is what the Chairman is trying to do. It is unfair, and it makes no sense.

With respect to concentration in the media, let me say this: I do not think it has served this country's interest to have the concentration in radio and television, and it certainly does not serve this country's interest to decide that we ought to allow the newspapers now to buy the television stations. I think that concentration is injurious to this democracy. We need the free flow of information.

It is interesting, most of what people will see, hear, and read in America today—Tuesday, December 4—will be controlled by about five or six major corporations with respect to television, the Internet, radio, and the newspapers. About five or six major corporations in this country have a substantial amount of control of what kind of information is available to the American people. And some believe there needs to be greater concentration?

We held a hearing recently in the Senate Commerce Committee, and the Parents Television Council, which is considered to be on the right side of the political spectrum, came and weighed in with opposition to the proposal by the Federal Communications Commission. The witness was from Los Angeles. He said: I have in my office in Los Angeles, CA basic advanced tier cable where I get 48 channels. But he said: That isn't 48 different voices. Then he went down the list of who controls those channels—Time Warner, etc. He just went down the list of the 4 or 5 or 6 big companies that control those 40-some channels.

So it goes back to what I have said for long time. When the FCC is trying to relax these ownership rules, they say: Well, you now have a lot more choices. You have more channels. You have more networks. You have more Internet sites. My response was: Yes, there are more voices from the same ventriloquist. Really, this country is not, in my judgment, served well by a Federal Communications Commission that is just hell bent on deciding: We need to have greater concentration in radio, television, or newspapers.

Now, take a look at what has happened with radio concentration. In one town in North Dakota—a town of about 40,000 or 50,000 people—one company

bought up all of the radio stations—all 6 of them. All six commercial stations were bought by one company from Texas. Does that make sense? It does not to me. The FCC said it was just fine. So what happens with respect to news-gathering in that town? Well, you end up with fewer newspeople because when one company owns all the stations, they just consolidate it all.

There is a real dispute about the story I'm about to tell you and I do not know that anybody has ever gotten to the bottom of it. I have seen so many different stories. Late at night—at 2 in the morning—a train came through Minot, ND, and with anhydrous ammonia cars, derailed, went off the tracks, split some anhydrous ammonia cars, and this deadly plume enveloped the city at 2 a.m. It caused a death, and caused many injuries. Many went to the hospital. It caused great fright among the population, not knowing what was happening. We discovered later it was a great danger to the population. Well, the emergency broadcast function somehow did not work. But notwithstanding the fact the system did not work, the townspeople could not get anybody to answer the telephone at the local radio station. All the commercial stations were owned by the same company from another State. One wonders, what if those stations were owned by individual operators who lived in town? Do you think they would be able to track somebody down? I think so.

Now, the Chairman of the Federal Communications Commission is galloping off to relax media ownership rules because he thinks that is really what is necessary. I met with him today, and I said: What is really necessary—he knows this because Senator LOTT and I have both told him—is to do first things first; one, do a proceeding on localism to find out: How has all of this concentration affected localism? That is, we provide free licenses to use the airwaves for television and radio, in exchange for which they are responsible to serve local interests.

So do we know what they are doing? No. The Chairman of the Federal Communications Commission has admitted to me they do not know how many stations are using a service called voice-tracking. I will give you an example of voice tracking:

You are driving down the road on a bright Tuesday morning in Salt Lake City, UT, and you have the radio on and after the song ends, the disc jockey comes on and says, "It is a great morning here in Salt Lake City. We have the Sun coming up over the mountains. We have a blue sky. We have a light 5-mile-an-hour wind. We are going to have a wonderful day, aren't we?"

It turns out the guy is broadcasting from a basement studio in Baltimore, MD, pretending he is in Salt Lake City, simply ripping information from the Internet to say: It is a bright, sunny day here in Salt Lake City. That is called voice tracking. Does that serve

local interests? It sure does not. So how many stations do this? How prevalent is that practice? Don't know. Neither does the FCC.

How about starting a proceeding on localism to find out whether those who are using the public airwaves, free of charge—airwaves that belong to the American public, not the licensees—how about finding out how they are serving local interests? Or how about a proceeding dealing with public interest standards because there are public interest requirements for the holding of a license for television and radio broadcasting?

How about first things first? Why the rush to provide more concentration allowing cross-ownership of television stations with newspapers? The Chairman would say: Well, I am not trying to do more concentration in radio and television; I am trying to allow newspapers now to begin buying television stations. Why? Well, he said the newspapers are not doing very well. I said: When did it become the job of the Federal Communications Commission to be the bookkeeper for newspapers? My understanding about newspapers is they used to have a higher profit margin. Now it has dropped to 16 to 18 percent profit margins—pretty good profit compared to all other industries. All of a sudden, the FCC thinks the newspapers are having financial trouble and so they should relax the rules to allow cross-ownership? I just think it is wrong.

Senator LOTT and I offered the Media Ownership Act of 2007 today in the Commerce Committee. That bill was agreed to unanimously.

My hope is that the Chairman of the Federal Communications Commission is watching and listening because this Congress, on a bipartisan basis, says no to further relaxing the controls on cross-ownership. And this Congress, on a bipartisan basis, I feel, strongly believes we have too much concentration in the media. The Chairman of the Federal Communications Commission believes, apparently, we need more. He is just dead wrong.

My hope is that in the coming couple of weeks he will understand that it would not be the best course for the Federal Communications Commission. It would be wise for the Chairman to decide not to advance to a December 18 final vote on the rule he is proposing. It is not in the public interest. It is not doing what the FCC should do. My hope is he will instead open a public-interest proceeding and open a localism proceeding and finish them to their conclusion and do a good job on them. That would be a public service for this country.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATIONAL INTELLIGENCE ESTIMATE

Mr. DORGAN. Mr. President, this morning I had an opportunity, which I rarely have, to watch the entire press conference of President Bush at the White House. The press conference dealt largely with the subject of the National Intelligence Estimate that came out yesterday about the issue of a nuclear weapons program in Iran. The NIE that came out indicated that—to the surprise of certainly myself and many others—the country of Iran abandoned its nuclear weapons program 4 years ago, in 2003. I was surprised, and many others were, because we have heard from this administration repeatedly about the threat posed by Iran's nuclear weapons program including some weeks ago when President Bush raised the specter of a "World War III."

Now we learn the nuclear weapons program they indicated Iran was involved in was discontinued 4 years ago. That comes from our National Intelligence Estimate, which is a cumulative assessment of all our intelligence agencies.

It raises, I think, some very important and troubling questions. The questions are not new questions, actually. It is: What did this administration know? What did they understand? What did they find out and when? The American people, and certainly this Congress, has been treated to a very generous conversation by the President and his administration about the specter of the nuclear weapons program in Iran and how it must be stopped. I don't disagree at all with the contention that the behavior of Ahmadinejad and of some of the terrorist elements in Iran and others is far outside the norm and is troublesome to this country. But that is not what I am talking about.

I am talking about the question of a nuclear weapons program and the relentless language by this administration about the nuclear weapons program that was being pursued by the country of Iran.

The intelligence community now says that is not the case and has not been the case since 2003. I wonder if the administration knew, if Mr. Hadley knew—I heard his briefing—did the President know about this new assessment when 5 or 6 weeks ago he was giving another of his speeches and raising the specter of World War III in connection with a presumed or alleged nuclear weapons program by the country of Iran. The American people certainly didn't know what the National Intelligence Estimate had disclosed to us. We are told the Intelligence Community came to this conclusion sometime