Cornyn amendment—a Republican amendment—will now give us a majority vote, an up-or-down vote, on the Levin-Reed amendment. I don't understand why he would agree to one standard for one Iraq amendment and then insist on a higher standard for a Democratic Iraq amendment. I think most Americans can see through that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the Republicans and the second half under the control of the majority.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

BROADCAST FREEDOM ACT

Mr. DEMINT. Mr. President, I rise to speak in support of the Broadcast Freedom Act, which I offered along with my friends from Minnesota and South Dakota, Senators COLEMAN and THUNE. Some would say that the fairness doctrine is the perfect example of a regulation whose time has past. Others would say it is a regulation that was never necessary to begin with. In any event, it is certainly not a regulation that we need today. I think it is worth a brief recap of history of American mass media to show how utterly silly this doctrine would be if reinstated in today's environment.

In 1949, the year the fairness doctrine was created, there were 51 television stations in the United States. In 1985, when the doctrine was repealed by the FCC, there were 1,200. Today, there are nearly 1,800 television stations. The radio industry tells a similar story. In 1949, there were about 2,500 radio stations in the United States. In 1985, the number had grown to 9,800. Today, there are almost 14,000. There was significant growth of these numbers between 1985 and today. We need to understand why it is happening.

You see, it was in 1985 that the FCC said the following when it repealed the fairness doctrine:

> We believe that the interest of the public and viewpoint diversity is fully served by the multiplicity of voices in the marketplace today.

That was when we had far fewer radio and television stations. That statement was made over 20 years ago. The number of voices in the market was plentiful then. In the last two decades, those numbers have grown even larger—by 50 percent in television and over 40 percent in radio.

Keep in mind, too, that there was no Internet in 1985, and there was no satellite radio offering hundreds of channels nationwide. There was no digital television or radio allowing for multicasting. There were not even wireless phones, much less ones that could go on line and even carry video. Of course, nobody had yet heard of the podcast, blogging, or YouTube. All of this has now changed. It is easy to see that if the fairness doctrine was unnecessary in 1985 because of the multiplicity of voices, it is downright laughable today.

I also wish to speak to the fact that this doctrine, if reinstated, would have the opposite effect that its opponents tell us they seek. They say they want both sides of important issues presented with equal time. Well, what happens if nobody is available or willing to offer an opposing viewpoint? The answer, clearly, is that the discussion will not take place at all. And all the bureaucracy that is required to keep track of what someone said and what has to be responded to would cause most of these stations not to deal with important issues at all.

Commercial radio and television are businesses. They are on the air only as long as someone is willing to pay for advertising. Advertising is only attractive when someone is watching or listening. People watch or listen to things they find worth their time. If a radio or television station is prevented from airing programming on public issues or is forced to carry programming that may not suit their audience, they will have a very difficult time retaining listeners, advertisers, and ultimately their businesses. It is not in the public interest for the Government to force content on or prevent content from reaching the American people. The FCC recognized that in 1985, and we should all recognize it today.

Mr. President, I ask my colleagues to support the Broadcast Freedom Act, which prevents the FCC, now or in the future, from reinstating the arcane and damaging so-called fairness doctrine.

EARMARK TRANSPARENCY

Mr. DEMINT. Mr. President, I would like to speak now about the ongoing efforts in the Senate to block the earmark transparency rules.

It has now been 180 days since they were unanimously adopted by the Senate. Yet they still have not been formally enacted. Even worse, the majority wants to take them behind closed doors, where a conference committee can kill them in secret. They tried to kill these reforms on the Senate floor but failed. Now they are falling back to their plan B, which is to gut them in conference.

That is not how we should write a bill about openness, honesty, and transparency. I hope my friends on the other side will change their minds. These are Senate rules I am talking about, and there is no reason why we need to negotiate with the House. The House already has their earmark transparency rules. My friends on the other side should stop blocking earmark reform and stop trying to change these rules in secret so we can move on.

Americans have seen the ethical problems associated with earmarks. They have watched what happened to Duke Cunningham, and they have seen a number of Members of Congress forfeit their seats on appropriations committees due to conflicts of interest. Americans understand that lobbying and ethics reform will not be complete—in fact, it would be meaningless—if we don't do something to shine the light on earmarks. Let me repeat this because I think it is very important. Americans do understand that ethics reform is not complete without meaningful earmark reform.

Many of the reforms in the ethics bill address what people outside of Congress can do, but earmark reform addresses what we here in Congress can do. That is the difference. Americans want, more than anything else, Congress to be restrained and open about what we do. They want us to reform the way we spend their money and shut down the secret congressional favor factory. Nothing would do more to restore America's faith in their Government than enacting reforms that ensure their elected officials are not going to use their ability to spend Federal dollars to enrich their friends and supporters.

Mr. President, I wish to draw the Senate's attention to an article that ran this morning in The Hill newspaper about earmarks—earmarks that have not been properly disclosed. The majority likes to say they are complying with the rules, but that doesn't appear to be the case. This story says:

> As a proposal to require full disclosure of all Senate earmarks languishes, Senators have not claimed responsibility for at least $7.5 billion worth of projects approved by the Appropriations Committee, according to an analysis by a budget watchdog group.

Obviously, the piecemeal approach being used by the Democrats is not working. We cannot allow appropriators and other committees to police themselves. They are not doing it now, and they never will. We need a single enforcement rule for the whole Senate that doesn't keep loopholes for secret earmarking. Let me repeat: $7.5 billion in earmarks already this year are undisclosed. This is business as usual in the Senate.

I wish to point out that the Defense authorization bill we are debating now violates the rules. It discloses the earmark sponsors, but the committee failed to post on the Internet the letters from these sponsors certifying that they do not have a financial interest in the earmark they have requested.

Before I conclude, I want to update the Senate on some progress we are making on earmark reform.

First, we have added several cosponsors to S. Res. 123, which is the earmark disclosure rule. They are Senators ENSIGN, ENZI, MARTINEZ, COBURN, MCCASKILL, and CORNYN. I thank them for their support. Some of these Senators request earmarks, while others do not. But they all support earmark disclosure, and they all support this rule as it is written right now.

We have also added a couple cosponsors to S. Res. 260, the rule that would stop the adding of earmarks in secret conference committees. They are Senators ALLARD and CORNYN. I thank them for their support. A select few Members of Congress and their staffs should not be adding hidden earmarks to bills in the middle of the night when no one has the opportunity to review them and debate their merits. That is very bad practice, and it must end.

There was also an important editorial last Tuesday in the Roll Call newspaper that supports our efforts to protect earmark reform. I will read a couple of excerpts:

Senate Democratic leaders are resisting [Senator DEMINT's] move and are insisting on going to conference on the ethics bill, although they have yet to explain why already agreed-upon earmark rules can't be adopted immediately.

We don't oppose earmarks in principle. . . . But as events last year amply demonstrated, earmarks can be a source of rotten corruption. Full disclosure is crucial, and the Senate ought to institute it forthwith.

We think that on the merits Senate leaders should accede to DeMint so disclosure of spending requests is not delayed until President Bush signs an ethics reform measure that still has not even gone to a House-Senate conference.

Mr. President, the blogging community is watching what we are doing here. Countless bloggers, including The Corner on National Review Online, Instapundit.com, MichelleMalkin.com, the Sunlight Foundation, Porkbusters.com, RedState.com, and many others, have weighed in on the need for the Senate to implement these earmark transparency rules now. I thank them for paying attention to this debate and working to hold us all accountable.

Finally, we have received letters of support from several important taxpayer watchdog groups, including Americans for Prosperity and Citizens Against Government Waste. These groups know how important earmark reform is, and they believe it should be implemented immediately.

These rules need to be adopted immediately. They should not be allowed to go to conference with the House where they can be changed at will. They need to be enacted now before a single appropriations bill comes to the Senate floor.

It has been 180 days since they were unanimously adopted by the Senate. I have asked consent to enact these rules four times, but the other side has blocked them each and every time. Today needs to be the day that this obstruction stops. Today needs to be the day we end the earmark business as usual in the Senate.

UNANIMOUS-CONSENT REQUEST—S. RES. 123, S. RES. 260, AND H.R. 2316

Mr. DEMINT. With that, I will now propound a unanimous-consent request that would enact the earmark transparency rules and request that we go to conference with the House on the total ethics bill.

I ask unanimous consent that the Rules Committee be discharged from further consideration and the Senate now proceed to S. Res. 123 and S. Res. 260, the earmark disclosure resolutions, all en bloc; that the resolutions be agreed to and the motions to reconsider be laid upon the table.

I further ask that the Senate then proceed to the immediate consideration of H.R. 2316, the House-passed ethics and lobbying reform bill; that all after the enacting clause be stricken and the text of S. 1, as passed by the Senate, be inserted in lieu thereof; that the bill be read the third time, passed, and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 4 to 3.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Mr. President, on behalf of the leadership, I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DEMINT. Mr. President, obviously, I am very disappointed that we continue to obstruct ethics reform and earmark reform.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

UNANIMOUS-CONSENT REQUEST—S. 163

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 139, S. 163; that the committee-reported amendment be withdrawn, and I have a substitute amendment at the desk; that the Bond amendment to the substitute amendment be considered and agreed to, the substitute amendment, as amended, be agreed to, the motions to reconsider be laid upon the table, and that the bill, as amended, be read the third time; that the Senate then proceed to the consideration of H.R. 1361, the House companion, which is at the desk; that all after the enacting clause be stricken and the text of S. 163, as amended, be inserted in lieu thereof; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees, with the Committee on Small Business and Entrepreneurship appointed as conferees; that S. 163 be returned to the calendar, and the above occurring without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. On behalf of the Senator from Oklahoma, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me speak for a minute about this legislation. I understand Senator DEMINT's need to object on behalf of the Senator from Oklahoma. This is legislation that has broad—I do mean broad—bipartisan support. It was passed out of the Small Business and Entrepreneurship Committee on a unanimous vote. It now represents a very broad compromise worked on with the administration and with all of the members of the committee, both Republican and Democrat.

I will review very quickly what this bill does. As everybody knows, when Katrina hit, we had a terrible time getting small business assistance to the countless thousands of small businesses that were impacted, not only in New Orleans but in Baton Rouge and across into Mississippi, Alabama, and elsewhere, where there were many services being provided by other folks. A lot of small businesses were impacted.

We learned there was not an adequate capacity within the Small Business Administration to deliver this kind of assistance in a rapid way. So we have worked now, after a series of hearings and over the course of 2 years, to pull together the Small Business Disaster Response and Loan Improvement Act. It does a number of things.

It creates a new elevated level of disaster declaration, referred to as catastrophic national disaster. That triggers nationwide economic injury disaster loans for adversely affected small businesses.

In addition, it requires the SBA to create an expedited disaster assistance business loan program to provide businesses with expedited access to short-term money.

A lot of the businesses in New Orleans could have survived and might have survived or chosen to try to if there had been some bridge money or available working capital. But the absence of it forced a lot of them to close their doors. If we can provide assistance in a timely fashion, obviously subject to the administration's approval—and there is discretion in the bill—we would have the ability to do a better job.

In addition, there are improvements to the existing loan program which have been written in the bill. There is improved agency coordination and marketing. It directs the SBA to coordinate with FEMA in a more effective way. It directs the SBA to create a proactive marketing plan to make the public aware of the disaster response services.