

do something right for America. We can give America something that this free enterprise system has promised us and delivered in so many other places. We can give them competition in television, and we can give them lower prices.

We can give them choice. What do Americans want most in a free enterprise system? Two stores in town, so if one store treats you badly, charges you too much, refuses to answer the phone, tells you to move if you don't like the service you are getting, you can go to the next store and get treated fairly. Two stores in town, that is what this debate is all about.

With the Tauzin amendment we will create two stores in the television marketplace. With the Manton amendment we are stuck with one, we are stuck with monopoly, we are stuck with high prices, and we are stuck with the cynical argument that this Congress cannot do anything right for the American people.

Stand up for them tonight. Break the cable monopoly. Let us create some competition. Let us adopt the Tauzin amendment.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I hope my colleagues are listening to the gentleman in the well who is the sponsor of the amendment. Let me tell the Members what is happening out West, as one who represents both rural areas and people who live in small cities.

My rural families, whether they own their own dish or not and draw their signals from a satellite, because of monopolistic practices by big conglomerate cable companies, the people who live in rural Montana pay 500 percent more rates than do their neighbors who live just down the road in cities.

The gentleman is absolutely right about the unfair, arbitrary, anti-free market prices of the cable conglomerates, and I commend him.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

Mr. MANTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this substitute amendment with my good friend and colleague, the gentleman from North Carolina [Mr. ROSE], who has been at the forefront in the fight to protect the rights of rural Americans to receive quality video programming at reasonable rates.

Mr. Chairman, the Manton-Rose amendment offers the House a clear choice between our reasonable and balanced approach to program access and the far reaching, radical approach taken by my friend, the gentleman from Louisiana, [Mr. TAUZIN].

The Manton-Rose amendment is a strong but reasonable access to programming amendment that recognizes the need to promote competition in the multichannel video marketplace with-

out abusing the legitimate rights of video programmers.

Our amendment is virtually identical to the program access provision contained in the cable reregulation legislation that unanimously passed the House during the 101st Congress.

This language was also included as a provision in H.R. 1303, cable reregulation legislation introduced earlier this Congress by the chairman of the Telecommunications Subcommittee, Mr. MARKEY.

Specifically, the Manton-Rose amendment would do the following:

First, it would prohibit vertically integrated video program suppliers from refusing to deal with any-multichannel video system operator where such refusal to deal would unreasonably restrain competition.

In other words, a cable network, like CNN or Nickelodeon, could not refuse to deal with a cable competitor, such as a DBS operator or a wireless cable operator, in a manner that unreasonably restrains competition.

Second, the amendment expressly recognizes the validity of exclusive contracts between a programmer and a distributor that do not have the effect of unreasonably restraining competition.

Complaints alleging violations of this section would be resolved by the FCC in an expedited adjudicatory proceeding.

Furthermore, the FCC would be authorized to grant appropriate relief for violations of this section, including the power to establish price, terms and conditions of sale.

Finally, the amendment contains strong protections for the C-band home dish industry to make certain that cable programming remains available to dish owners at rates comparable to cable. The amendment would prohibit programmers from discriminating in wholesale price, terms and conditions between cable operators, and C-band home dish distributors.

Mr. Chairman, our amendment strikes a balance between the need to promote competition in the multichannel video marketplace and the need to protect the legitimate intellectual property rights of video programmers. It is the product of bipartisan negotiation and compromise.

The Manton-Rose amendment is supported by the chairman of the Energy and Commerce Committee, Mr. DINGELL, and the ranking minority member of the committee, Mr. LENT. The amendment is truly a bipartisan effort.

Proponents of the Tauzin amendment lament that competition is being stifled by cable programmers who are refusing to make their product available to alternative technologies. However, the facts simply do not support these contentions. Indeed, cable's competitors have access to almost all of the popular programming produced by cable companies.

In fact, in many areas of the country, wireless cable operators and direct

broadcast satellites are successfully engaging in direct competition with cable companies.

Mr. Chairman, the Tauzin amendment would require that all video distributors obtain programming at a Government regulated wholesale price. The Tauzin amendment is not about access, it's about wholesale price regulation.

The Tauzin amendment is an unprecedented and unwarranted abridgement of intellectual property rights that would effectively prohibit all exclusive contracts between a video programmer and a cable operator.

Mr. Chairman, exclusive contractual arrangements play an important and beneficial role in the multichannel video marketplace. The recognition of exclusive rights gives programmers and cable operators an incentive to invest in new and improved programming, thereby increasing the quality of diversity of programming available to consumers. Barring exclusive arrangements will have a chilling effect on the development of new products.

Mr. Chairman, the gentleman from Louisiana has repeatedly claimed that his amendment is designed to foster the growth of alternative multichannel video technologies, specifically high power direct broadcast satellites. However, a leading force in the DBS industry, the U.S. Satellite Broadcasting Co., believes the Tauzin amendment goes too far, and they have endorsed the approach taken in the Manton-Rose amendment.

In a letter to the Energy and Commerce Committee chairman, Mr. Stanley Hubbard, the president of the U.S. Satellite Broadcasting Co., stated the following:

USSB desires that DBS operators have an opportunity to engage in good faith negotiations with program providers for cable programming. Our preference would be for section (a) of the Manton amendment, \* \* \* because the Manton amendment does not prescribe terms and conditions. Our only interest is that there be a level playing field whereby we can bargain in a free and open marketplace for our programming.

Clearly, this DBS operator understands that the Manton-Rose amendment takes a balanced approach to program access that affords all distributors an opportunity to negotiate on a level playing field and does not tip the scales in favor of any one company or industry.

Finally, Mr. TAUZIN has called the Manton-Rose substitute a phony amendment. Let me take this opportunity to share with my colleagues what Mr. TAUZIN had to say about this phony amendment when it was part of the bill that passed the House 2 years ago. Here's what Mr. TAUZIN said:

Finally, this bill really addresses the issue of competition. When services in video are delivered not simply by wire but through the air, through the advances in satellite technology and eventually the new KU-band satellites that will deliver services on a dish no bigger than the size of a table napkin. When those things are possible under this bill, the

full-blown effects of competition will be realized, and I think consumers in America will greatly benefit.

And here is what the leading industry proponents of the Tauzin access language had to say in testimony before the Telecommunications Subcommittee just 1 year ago about the access provisions of H.R. 1303, which are virtually identical to the Manton-Rose substitute:

From Robert Bilodeau, Director of the Wireless Cable Association:

We are willing to take up the challenge to prove ourselves in the market, but without the meaningful program access provisions in H.R. 1303 becoming law, we may never have the chance.

From Bob Bergland, vice president, National Rural Electric Cooperative Association:

We can prove that we are being disadvantaged in pricing, and we think legislation like H.R. 1303 will give us the remedies we need so that we are not forced to pay more than cable companies would pay, and that is really the essence.

And from Charles C. Hewitt, president, Satellite Broadcasting and Communications Association:

We're here to support H.R. 1303 \* \* \* as it relates to access to programming, we want to point out that it will be very difficult for us to develop K-band systems and the high powered capability unless we have a jumpstart, and that jumpstart requires access to programming and the ability to provide competitive programming to the customer.

Mr. Chairman, now they apparently want more than a jumpstart—they want a free ride.

Mr. Chairman, there have been no dramatic changes in the marketplace over the past year that would warrant the radical and unprecedented abridgement of property rights proposed by Congressman TAUZIN.

I urge my colleagues to stick with the balanced, bipartisan and rational approach embodied in the Manton-Rose substitute. I urge a vote for the substitute.

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

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

(Mr. SYNAR asked and was given permission to revise and extend his remarks.)

Mr. SYNAR. Mr. Chairman, there are almost 12,000 cable systems serving the American public. Of these, only 65 face head-to-head competition.

The Tauzin amendment is a positive step toward changing those numbers. It would prevent vertically integrated cable programmers—programmers, HBO or TNT for example, that are owned all or in part by cable system operators—from arbitrarily denying access to cable programming services to potential competitors.

At present 7 of the top 10 programming services on cable television are

owned by cable operator parent companies.

As a result, when alternative systems seek out programming, often they are in effect buying it from the competition, a situation that is not conducive to competition.

In areas unserved by cable, home satellite dish owners often are charged five times more by cable programmers—CNN, HBO, etc.—for programs than are cable operators. The consumers have to bear the additional costs.

The Tauzin amendment, while it does not mandate access, does force programmers to negotiate with competitors.

There are those who argue that this amendment is unnecessary because the present antitrust laws can be used if there is truly no competition. That is a fine, but worthless, argument. Courts have consistently interpreted Robinson-Patman and other antitrust laws to exclude cable from the coverage of these laws as a "service" and not a "commodity" as is required.

Satellite T. Associates v. Continental Cable Vision of VA., 596 F.Supp. 973 (VA 1982); aff'd 714 F.2d 351 (4th Cir. 1983); cert denied, 465 U.S. 1027; HRM Inc. v. Telecommunications Inc., 853 F. Supp. 645 (Col. 1997); Rankin Co. Cablevision v. Pearl River Valley Water Supply District, 692 F. Supp. 691 (Miss. 1988); T.V. Communication Network v. ESPN, 767 F. Supp. 1062 (Col. 1991)]

Moreover, the Tauzin amendment prevents programmers that are vertically integrated with cable system operators from discriminating in the price, terms, and conditions that they offer to competing cable system operators or alternative program distribution technologies.

The Manton-Rose amendment offers no such protection to the competing technologies. Moreover, Manton-Rose would allow exclusive contracts between a cable operator and a cable programmer. Further, it allows cable to charge exorbitant prices, and destroys the ability of the new technologies to compete.

The rights of the video programmers must be balanced with the interest of the public in receiving access to video programming.

In 1978 Congress took steps to aid the development of the infant cable industry.

With Congress' help, the industry has been able to maintain unprecedented growth.

In 1984 Congress deregulated cable. As a result cable has been able to raise rates, and use the proceeds to fund an extraordinary array of video programming choices.

Consumers have footed the bill, now it's time that they get a fair return on their investment.

The industry is now strong enough to stand on its own, and face a little competition.

Just as Congress aided the infant cable industry to grow, it now should give the same consideration to fledgling technologies.

Without access to programming, new program distribution services will not be able to compete against entrenched cable monopolies.

Areas currently unserved by cable, such as rural Oklahoma, will not be able to take advantage of new technologies, such as satellite dishes and wireless cable, that would make programming choices available to them.

Oppose Manton-Rose. Support the Tauzin amendment. Ensure competition in the cable industry and access to cable TV for all Americans.

Mr. RINALDO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. FIELDS].

(Mr. FIELDS asked and was given permission to revise and extend his remarks.)

Mr. FIELDS. Mr. Chairman, I want to say to my good friend, the gentleman from Louisiana, I think he is one of the bright lights of Congress. I am proud to serve with him on the Merchant Marine and Fisheries Committee and on the Coast Guard Subcommittee. I believe with him in the concept of competition and diversity, so I agree with his goals, but I just disagree with the work product before us tonight.

Mr. Chairman, the Tauzin amendment is regulatory overkill. It would force cable programmers to sell their product to any competitor at a Government-regulated price.

The result would be a litigation nightmare for cable programmers, operators, and competing delivery systems. Every programming contract would be subject to court scrutiny. The FCC does not have the manpower or the resources to address all the claims that would potentially be made under this bill.

It is not Congress' role to dictate how a cable company must distribute its product to competing delivery systems.

Cable programmers have certain proprietary rights and should be able to exercise control over their own material and to decide who should distribute it.

The Tauzin amendment would deny cable programmers the right to differentiate their wholesale price based on each distributor's capital costs, marketing commitments, and financial stability.

Many competitors, like DBS, who want mandated programming are underwritten by large-scale companies like GE and Hughes Aerospace. These businesses have the financial resources to develop their own programming—they do not need any special treatment.

The Tauzin amendment is so restrictive on the issue of program exclusivity it would essentially deny these types of arrangements. If exclusive contracts were prohibited, a cable network like TNT would have never gotten off the ground. In order to gain commitments from cable operators to carry and pay for TNT, Turner had to

offer exclusive distribution rights. Therefore, the Tauzin amendment would discourage programmers from investing in new products and would vastly diminish the diversity and quality of programming available to consumers.

**REASONS TO SUPPORT THE PROGRAM ACCESS PROVISIONS IN MANTON SUBSTITUTE**

The substitute ensures that cable's competitors have reasonable access to popular cable programming. It prohibits vertically integrated cable programmers from refusing to deal with any competitors to cable if such refusal would unreasonably restrain competition.

The provisions of the Manton substitute are virtually identical to those contained in the cable legislation that passed the House by unanimous voice vote in 1990. Moreover, the White House has indicated that the Manton language is acceptable while the Tauzin amendment would invite a veto.

The language allows exclusive contracts as long as those contracts do not impede competition.

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Mr. MANTON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ROSE].

(Mr. ROSE asked and was given permission to revise and extend his remarks.)

Mr. ROSE. Mr. Chairman, I rise today in support of the program access amendment offered by Mr. MANTON and myself. Our amendment completely satisfies the concerns which have been raised by rural Americans who own C-Band, backyard dishes.

Specifically, the Manton-Rose amendment requires cable networks to make their programming available to independent distributors who serve the C-Band backyard dish market at the same prices, terms, and conditions as are offered to cable operators. It thus protects the millions of rural Americans who depend on C-Band satellite dishes for their television.

Some of the supporters of the Tauzin program access amendment have contended that the Manton-Rose amendment will not protect rural America. This simply is not the case. In fact, the C-Band provisions of the Manton-Rose substitute amendment are identical to H.R. 3420, the C-Band satellite program access legislation introduced by Mr. TAUZIN earlier this Congress.

In conclusion, Mr. Chairman, the debate about program access is not about whether rural America's C-Band home dish owner's needs will be served. The Manton-Rose substitute amendment ensures that these needs will be met.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

(Mr. HOUGHTON asked and was given permission to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Chairman, I would like to speak on behalf of the Tauzin amendment for two reasons.

First of all, the amendment is good in itself, and, second, it is a bit of damage control.

I am aware that many of you have already made up your minds, but I am also reminded of that wonderful admonition of Wilbur Mills that said that more votes have been changed at the House chapel than on the House floor. But I go ahead anyway.

Let me explain, 4850 is short of the mark. The reason is it puts a wet blanket over a particularly explosive industry.

In 1984, as you all have heard, cable was deregulated, but it really was not. Only the prices were. The access was not.

It was not possible for others to get in as they would like in most other businesses.

So what happened? Prices went up. There was no downward offsetting force to counteract that, and that means obviously competition.

So now we ask ourselves: What do we do? Do we free up competition as we did the prices, or do we go back to the old bureaucratic way, which is to regulate and reregulate and re-reregulate?

Sadly we have gone that second route, and this year when we face a Government deficit, and we put the Government into the equation where it was not before and we also charge the electorate for that privilege \$25 million. The other route would have been to allow the competition to work. As you might have noticed, it does in other fields rather successfully. But enough of that. That is the philosophic stuff which is already sadly behind us.

We now face the issue: What can we do to make a porous bill livable? And that is the Tauzin amendment. Specifically it gives an even break to people who want to get in the business, and it does not jump-start, but it fairly helps other people get into the business. It helps the rural satellite people who need to get in here and who would not be wired anyway by the cable companies.

So this amendment, combined with an FCC decision on something called video dialtone, would help to put a semblance of good old American competition back into the process. It saves money, and it builds the business, and there are lots of jobs involved.

Mr. RINALDO. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER], a member of the committee.

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Chairman, I rise in support of the Manton amendment.

I do so, but would first like to commend the gentleman from Louisiana [Mr. TAUZIN] for seeking a competitive solution to the problems faced by a minority of cable consumers. In this respect, it is a far better approach than that taken by the underlying bill.

But in our rush to greater competition in the multichannel video

marketplace—a goal we all support—we can't ignore the simple matter of fairness. The quality programming which has made cable such a desirable commodity didn't come by accident, but through the investment of millions of dollars in untested programming. Last year alone, the cable industry re-invested \$3½ billion in programming, nearly half of which went to basic.

In return for this investment, the cable industry has an understandable interest in protecting the identity and character of its product. Exclusivity has long been recognized as a legitimate means of not only guarding intellectual property, but as a way of encouraging program diversity as well. In this respect, exclusive rights actually work for, not against, competition.

I honestly cannot say I blame cable's current and future competitors for wanting access to that which has made cable television an enormous success. Nor could I fault the Colorado Rockies baseball team for wanting to pick and choose among the major league's best players rather than investing in their own untested rookies. It may make them more competitive sooner; it would undoubtedly sell more tickets; but it is anything but fair to the existing franchisees.

The Manton amendment, on the other hand, recognizes the benefits of exclusive distribution arrangements—not only for the cable industry, but for consumers who appreciate diverse programming as well. It is a balanced and reasonable approach far more worthy of our support, and I urge its adoption.

Mr. RINALDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Manton amendment anticipates and offers a balanced solution to potential future problems, occurring when new technologies like direct broadcast satellites [DBS] transmit to smaller dishes in direct competition to cable operators. It prohibits cable companies that own programming from refusing to sell it to any competitors to cable if that would violate antitrust principles.

By providing these new competitors to cable with access to cable programming, a competitive environment is created. Competition will force consumer price for quality video programming to be driven down, while increasing the quality of service to consumers.

Moreover, by promoting access for these new competitors, consumers will be given a wider variety of choices in terms of the type of programming they want to receive in the manner they want to receive it.

The provisions of the Manton amendment are virtually identical to those contained in the cable legislation that passed the House by unanimous voice vote in September 1990. The Manton amendment represents a bipartisan approach to a delicate and far-reaching concern.

The Manton-Rose amendment is a balanced proposal to the controversial

topic of program access. It ensures that the video marketplace is not unfairly monopolized by requiring cable operators that own or have an interest in cable programming to make such programming available to competitors. In this manner new technologies are given access to the programming needed to compete with cable, without placing cable at an unreasonable competitive disadvantage.

Moreover, the White House has indicated that the Manton amendment is acceptable, whereas the Tauzin amendment would invite a veto. Therefore, in order to create a piece of legislation which will ultimately become law, it is necessary to vote in favor of a programming access provision which promotes competition without giving an unfair advantage to any one side.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I am happy to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I just want to underscore what the gentleman has said and subscribe to his views entirely.

I am also very much opposed to the Tauzin amendment and think certainly that the Manton amendment is clearly preferable. The amendment offered by the gentleman from Louisiana is actually punitive in nature, and we know that it is going to invite and elicit a veto from the White House, and the potential harm to the cable industry by overregulation in the area of program access far outweighs any savings the amendment could shave from the cost of \$20 service, which is the average across the country for basic today.

□ 2010

The result could be a severe decrease in the type of educational, entertainment, and informational programming that the American consumer today enjoys across the United States.

Mr. RINALDO. Mr. Chairman, I want to thank my good friend, the ranking minority member of the full committee, for his support and for the approach that he just outlined.

Let me say in line with what Congressman LENT has said that the White House has indicated very strongly that the Manton amendment is acceptable, whereas the Tauzin amendment would invite the veto that the gentleman from New York [Mr. LENT] mentioned.

Therefore, if we really want to create a piece of legislation, if we want a piece of legislation that is acceptable, if we want a piece of legislation that is conferencable, if we want a piece of legislation that can get enacted and probably will be signed into law, then we should vote for the Manton amendment and let us create a piece of legislation that will ultimately become law and vote in favor of a programming access provision which promotes competition without giving an unfair advantage to any one side and without inviting a veto that will kill the entire bill.

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

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY], the distinguished chairman of the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce.

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in support of the Tauzin amendment.

The gentleman from Louisiana [Mr. TAUZIN] and the Senator from Tennessee, Senator GORE, and the House and Senate proponents of this approach to ensuring that there is a more vigorous advance in the development of technology in our country.

Now, to many who are listening to this debate, there is a bit of haziness in terms of what it is that we are discussing. In much the same way that in 1983 and 1984 when we were discussing the cable bill, most of the Members in the House did not know what we were talking about since we had yet to deregulate cable, so they were voting on technologies that they had yet to in fact enjoy in their own homes as of 1984.

Well, that bill helped to telescope the timeframe that it would take to get that technology into everyone's home. That is what this debate is about here today, but it is a debate about another technology which is also in its nascent stage.

Now, the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Tennessee [Mr. COOPER], the gentleman from Alabama [Mr. HARRIS] and others, made reference to something called C-Band. We all say in Boston or Baltimore or New York, what is C-Band? Well, C-Band is those giant dishes about 8 feet wide that you see in people's backyards when you drive out there into the country—with their pickup trucks and their shotguns up against the back porch. It is those C-Band dishes. They cost about three to five grand and you got to get a zoning variance to put them in.

Now, there will not be many of us in Boston or in Baltimore or in Cleveland or other major cities in America that will be seeing too many of these 8-foot dishes in our backyards, not if we want to keep our neighbors as our friends.

So the C-Band technology is a nice technology and it has access to programming, but limited.

The K-Band technology, which is what this debate is all about, is about 12-inch dishes, dishes you can put between the petunias out in the backyard. No one will even know that it is there, but it cannot grow unless it has access.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. TAUZIN. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. MARKEY. This dish, Mr. Chairman, out there in the backyard, this is

the new revolution. This is the competition to the cable industry. It is clear they are not going to compete against each other. In 99 percent of the communities that have cable, no other cable company competes against them. They have got some kind of nonaggression pact that they put together.

Well, the satellite industry solves that problem by bringing in the 12-inch dish that will cost you \$300. You put it out in the backyard, point it up in the air, and you are in business.

Now, we have got to make sure they have access to programming, and that is all this amendment does is just make sure that there is a sale of the video programming from the cable industry for a reasonable price over to the satellite industry, plain and simple competition, the same thing we did when we forced the broadcasters to give their signals for free over to the cable industry back in the mid-seventies so that we could give birth to that industry.

It is a very simple proposition, and by the way, by the year 2,000 it would obviate the need for any further rate regulation because you will have real competition out in the marketplace, which is at least a mantra which is being uttered on a constant basis by all Members on both sides of the aisle.

This is the way to get there. Support the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. LANCASTER].

(Mr. LANCASTER asked and was given permission to revise and extend his remarks.)

Mr. LANCASTER. Mr. Chairman, I am pleased to rise in support of H.R. 4850, the Cable Television Consumer Protection and Competitiveness Act of 1992 and the Tauzin amendment. As a long time proponent of cable reform, I hope that the American consumer, especially rural Americans, will benefit from this initiative.

Since Congress deregulated the cable industry in 1984, the American consumer has been the victim of unrelenting rate increases. In less than 5 years, cable rates have increased 60 percent during a time when inflation has been negligible. This legislation responds strongly to unjustified rate increases through regulation in the short term and, more importantly, by making competition within the cable industry possible.

America was founded on free market principles—the belief that quality products at reasonable prices can best be delivered to the consumer through competition. Today, only 3 percent of Americans have a choice between cable companies. How can this be when the cable industry serves more than 51 million subscribers with annual revenues of \$20 billion—almost two times that of ABC, CBS, and NBC combined? There's obviously enough money in cable to be shared by many competitors.

New technologies, such as wireless cable and direct broadcast satellite, are ready to compete with cable. These competing technologies want to offer similar channel selections at competitive prices. But the cable industry has done everything in its power to keep these competitors from getting off the ground. Cable programmers, who also own local cable companies, have denied competing technologies access to their programming—either by refusing to sell or by charging ridiculously high prices. For example, C-SPAN charges cable competitors 500 percent more for the same programming received by current cable companies. H.R. 4850 and the Tauzin amendment would require that cable programmers sell their channels to cable competitors at fair prices.

As a result, competition will flourish, consumers will have a choice, prices will go down and quality of service will go up. In addition, the new technologies will provide cable services to rural areas which today do not have cable.

I commend the committee for giving Congress the opportunity to pass legislation which will restore basic competitive fairness to the Nation's cable industry. In the short term, consumers will be protected from further unfair cable rates. And in the long term, cable rates and service will be regulated by the marketplace. Most importantly, the American consumer will finally have a choice.

Mr. RINALDO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEHMAN], a member of the committee.

Mr. LEHMAN of California. Mr. Chairman, I thank my colleague, the gentleman from New York, for yielding me this time.

Mr. Chairman, there is no doubt in my mind that the amendment offered by the gentleman from New York [Mr. MANTON] is fair and reasonable and does in fact provide for the type of access to programming that the competition, both present and prospective, needs to have in order to foster true market competition.

Does it go far enough to anticipate the technological and marketplace demands of tomorrow or the next decade? That remains to be seen.

The Manton substitute does, however, acknowledge the present issues and it is realistic in its approach.

The Manton substitute prohibits vertically integrated cable entities from refusing to deal with multichannel system operators where such refusal would reasonably restrain competition.

This provision provides adequate protection for existing programmers, yet it insures that other video delivery system operators have reasonable access to these programming courses.

Further, the Manton amendment insures that cable programming remains available to C-Band Satellite dishes at rates, terms and conditions comparable to cable.

This provision is virtually identical to one included in the bill that overwhelmingly passed this Congress.

Mr. Chairman, the substitute is reasonable and fair.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me this time.

The best way to provide lower rates and better service is through competition. That is my preference. In spite of the fact that I had an amendment to reregulate the cable industry, my preference, is to have competition.

The cable operators tell me that is their preference, too; but then they do everything they can to prevent competition.

To start with, cable operators do not want telephone companies to provide cable services, but they also oppose the Tauzin amendment which will allow satellite cable companies, wireless cable companies, and telephone companies access to the same programs the cable companies have access to. It does not make sense.

There will not be any competition if these companies cannot offer programs that the consumer wants.

So what are we left with? A monopolistic industry that will continue to set its own price with nothing to restrain it. Any way you look at it, the consumer is being ripped off, because the consumer is having to pay too much. With no competition, they are paying a monopolistic price. They are paying billions of dollars they should not have to pay for.

Mr. Chairman, I urge all my colleagues to open the door to true competition and support the Tauzin amendment.

Mr. MANTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

I understand that the gentleman from New Jersey [Mr. RINALDO] may also yield the gentleman some time.

Mr. RINALDO. Yes Mr. Chairman, I yield 2 additional minutes to the gentleman from New Mexico [Mr. RICHARDSON].

The CHAIRMAN. The gentleman from New Mexico [Mr. RICHARDSON] is recognized for a total of 4 minutes.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

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Mr. RICHARDSON. Mr. Chairman, I come from a rural State. Per capita I have as many satellite dishes as anybody in this Chamber, and I will match my consumer rating with anybody on the other side of this issue.

I am supporting the Manton amendment for four reasons. First, it satisfies the problems raised by rural Americans who own backyard dishes; second, it guarantees access to programming in a reasonably balanced way; third, it promotes diversity and increases the

choices available to consumers; and last, it protects the legitimate intellectual property rights of video programming creators.

Mr. Chairman, I am supporting the Manton-Rose amendment because it provides an effective and sufficient remedy for anticompetitive behavior. Cable programming networks will not be permitted to unreasonably refuse to deal with their competitors and cable programming must be made available to the C-Band home satellite dish industry on nondiscriminatory prices, terms, and conditions. That is a sufficient and proper solution to the problems on program access.

The Tauzin amendment will take away a right from cable programmers that is given to everyone else in the entertainment industry: the right to control the use of their intellectual property.

Backers of the Tauzin amendment must really believe that money grows on trees, and programmers just go into the orchard to collect money when they have a programming idea. Let me remind my colleagues that money does not grow on trees—it is provided by entrepreneurs who are willing to take a risk in the marketplace and invest in a programming idea with the hope that if that program becomes a success, then they will have the legitimate right to exercise control over the pricing and distribution of that product.

If the Tauzin amendment passes, who in their right mind is going to risk their money in a programming idea. Because in the world envisioned by the gentleman from Louisiana, if your programming idea turns out to be a flop—too bad. And if it turns out to be a success, well then the Federal Government will step in and mandate that you sell it on certain terms, conditions, and prices. Now that is not an exciting investment opportunity, and it will starve the programming community of the investment needed for new program ventures.

The Manton-Rose amendment, by contrast, recognizes the benefits of exclusive distribution arrangements so long as they do not stifle competition. This is not some theoretical finepoint—this has real meaning for programmers in the marketplace. It has real meaning for someone like Mr. Robert Johnson, the president of Black Entertainment Television [BET]. Years ago, nobody wanted to invest in his programming idea for a black entertainment network—nobody would put up the financing for him. A cable operator did and with that investment, today Bob Johnson's BET is an enormous success. And if the Tauzin amendment passes, the Federal Government will reward Bob Johnson's success by forcing him to sell his product at Government-mandated wholesale prices, terms, and conditions. I urge my colleagues to reject Mr. TAUZIN's extreme approach on this issue.

The story of Bob Johnson and BET is not that uncommon in the cable industry. In fact, cable operators have provided much of the financing for cable networks like CNN, Nickelodeon, and the Discovery Channel. Cable operators' investment was \$1.5 billion for programming in 1991. It is this investment that is creating the programming everyone likes.

So let us be clear on what the Tauxin amendment is really about: it is not about access. Why is it not about access? Because alternative distribution technologies do indeed have access to popular cable programming. Forty-two cable program services are sold to MMDS wireless cable operators. The Wireless Cable Association has reported that all but one major cable program service is available to its members. So they do have access to cable programming.

What is this debate about: it is about wholesale pricing. It is not about the prices being charged to customers in rural areas. The National Rural Telecommunications Cooperative [NRTC] offers home satellite dish owners a package of 47 services; satellite dish owners can receive a package of programming comparable in retail price to basic cable packages.

Are rural dish owners paying more than cable customers? Let's look at the facts: A typical satellite dish owner pays a retail price of \$18.93 and the price paid by cable customers for a comparable package is \$18.84.

So if satellite dish distributors and wireless cable operators already have access to programming, which they do, and can provide popular programs to customers at competitive prices, which they can, what is the purpose of the Tauxin amendment? It is clearly an effort pushed by a few companies to get Congress to pass a law that will give a bigger margin of profit to wholesale distributors of cable programming. That is not in the public interest and it should be rejected by the House.

The Tauxin amendment allows MMDS operators and DBS operators to enter into exclusive contract arrangements, and there is no reason why they should not be allowed to do so. Why is it then that cable programmers cannot enter into the same lawful exclusive contract arrangements as their competitors can for future programming investments. That is simply unfair, and represents nothing more than a punitive attack on the cable industry.

Finally, I will conclude by saying that the program access issue has deeply divided the committee. Each side has very strong views on this subject and on how Congress should go about establishing a policy that provides consumers with the greatest diversity of programming.

But we should not kid ourselves about what passage of the Tauxin amendments means. The Tauxin amendment is a cable bill-buster. It is a killer amendment that will prompt an absolute and certain veto from the

White House and that veto will be sustained. So if the Tauxin amendment is adopted, the cable bill will not become law. And for consumers, that means no rate regulation, no customer service standards, and zero protection. I urge my colleagues not to lead us down the road of a certain veto and jeopardize for consumers the benefits of this bill.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

(Mr. ECKART asked and was given permission to revise and extend his remarks.)

Mr. ECKART. I thank the gentleman for yielding this time to me.

Mr. Chairman, a great philosopher once said, "Let me speak tender words because I may have to eat them."

Mr. MANTON was trying to force Mr. TAUZIN to eat his words, referring to the 1990 previous debate.

Well, the fact of the matter is that what BILLY said—the gentleman from Louisiana [Mr. TAUZIN]—said 2 years ago about 1303 was true. But the tragic thing is that what is unfair is that what we have before us is not what the gentleman had spoke about several years ago.

The amendment before us is not what Mr. TAUZIN praised 2 years ago. It covers fewer programmers. It is not what Mr. TAUZIN praised 3 years ago; it covers fewer technologies. And it is not what we all agreed was good policy 2 years ago perhaps, because Mr. MANTON now wants to lower the standard.

In fact, it lowers the standard so much that what was a permanent law proposal in 1990 and which BILLY TAUZIN praised several years ago, is now only temporary law. Worse yet, the Manton substitute would sunset after only 7 years.

So to re-read the words back, let us do it in the context of understanding that what we have here is a very poor imitation, a very weak carbon copy.

Let me try to place this in some Members' contexts. Think about your word processor, your computer in your office. IBM, if they controlled the hardware for that unit, think what it would be like if you could only buy the word processing program from IBM. And that is what is at stake here. There is one single channel of programming, a choke point, a Straits of Hormus through which the cable companies want to control the entire flow, not of oil, as happens in the Middle East, but of the programs that we use on our computers.

Until we fully understand that unless we open up that choke point, unless we allow more people to have access to that programming, it would be like the computer in your office where you are forced to go to IBM to buy only their programs because only their programs worked in our computers.

This is not what we should want for a true, free, democratic society. If you want real competition, you want more. More is Mr. TAUZIN's amendment and the programming access provision; it is

not the cheap imitation of the Manton substitute.

Mr. Chairman, I rise in support of the Tauxin amendment.

Although it is absolutely vital that we protect consumers from rate gouging in the near term, the long-term key to stopping runaway rate increases and improve cable service is to promote competition.

There have been many irresponsible and inaccurate statements about this amendment that must be corrected. It is not extreme. It is not regulatory overkill. Mr. TAUZIN has altered his language numerous times to respond to complaints by the cable industry—to no avail. They have not taken one step toward the middle.

The cable industry has never been accused of being dumb. They are throwing every false accusation and misrepresentation at this amendment to defeat it. They know that if they maintain their stranglehold on this programming, they can shut down competition—even the deep pockets of the telephone companies for a decade or more.

This is the Straits of Hormuz; this is the choke point. Mr. TAUZIN's amendment is the only way that free and fair commerce will be possible in this industry.

If we don't pass the Tauxin amendment, we consign ourselves to returning to this issue in the next few years. We will be certain to hear an unending stream of complaints from our constituents asking "Why didn't we do our job?" "Why did we listen to the cable special interests instead of our constituents?"

#### RETRANSMISSION CONSENT

This debate also impacts on retransmission consent. I find it disingenuous that cable is arguing ferociously against being required not to arbitrarily refuse to sell cable programming when at the same time, day after day, year in and year out, they are walking away with broadcasters. I guess it is the old adage "we stole it fair and square." As we head into conference with the other house, I sincerely hope we can count on all those who would protect cable programmer rights to fight equally hard to protect broadcasters' programmer's rights with retransmission consent.

Mr. RINALDO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. SCHEUER. Mr. Chairman, will the gentleman yield to me?

Mr. BERMAN. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I rise in support of the Manton amendment.

Mr. Chairman, this legislation must address the issue of program access, assuring that alternative video systems can procure quality video programming, and thus compete with the cable industry. Without a program access section, this legislation will not stimulate real competition to the cable monopoly.

However, we must protect program access while also preserving the right of programmers to control their product. The Rose-Manton amendment will achieve both goals; the Tauxin amendment will not.

The Rose-Manton amendment would prevent programmers from unreasonably refusing to deal with alternative providers, such as wireless cable or direct broadcast satellite systems.

It would require programmers to make their products available to the home satellite dish

industry on nondiscriminatory prices, terms, and conditions.

Last, it would provide an expedited review process by the FCC for any program access complaints.

This amendment is modeled after language approved by the entire House in 1990. Since that time, the availability of cable programming to alternative providers has increased, not decreased. In fact, these same alternative providers, such as wireless cable, endorsed the Rose-Manton amendment only 2 years ago. Why do they oppose it now? Because they know a handout when they see it, and the Tauzin amendment is a handout like none other.

The Tauzin amendment is unnecessary, and it will be a disincentive for future investment in quality cable programming. Only the Rose-Manton amendment will stimulate innovation and competition. I urge my colleagues to support Rose-Manton, and oppose the heavy-handed price controls offered by Mr. TAUZIN.

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Tauzin program access amendment and in support of the Manton substitute.

To my colleagues who represent areas that are unserved or underserved by existing cable systems, I want to say that as a matter of equity, I share your concern that your constituents have access to cable programming. That is why I do support a solution to the problem you have articulated.

But the fair solution is the Manton substitute, not the Tauzin amendment.

The amendment of the gentleman from Louisiana goes well beyond what is necessary to protect against anti-competitive behavior which may deprive alternative distribution technologies of popular programming. By barring exclusive distribution agreements even absent a showing of anti-competitive conduct, and by forcing the sale of programming at, in essence, uniform national prices, the amendment creates enormous new problems while purporting to solve others.

It is legitimate to consider what is fair to the competing commercial interests involved; certainly the interests of the C-band home satellite dish industry and the burgeoning direct broadcast satellite industry have been weighed in the debate today.

But by the same token, it is essential that we consider the impact of mandated program access at uniform prices on the commercial interests of program owners.

Program owners devote enormous creative powers and invest significant financial resources in their products. In marketing those products, it is only fair that they seek to get the best price they can. Denying them the ability to enter into exclusive contracts necessarily means that they cannot get top dollar from their customers.

Consider that there is no shortage of programming. Believe me, there is a

proliferation of studios, large and small, which create television programming. Program owners seeking to sell their product in a highly competitive market often must guarantee exclusivity, and why not so long as they have not engaged in the anticompetitive behavior which the Manton substitute would proscribe?

In the name of fairness to consumers and commercial interests who have been the victims in those cases of demonstrable anticompetitive conduct by programmers who have flatout refused to deal, the Tauzin amendment would deprive program owners of a fair return on their creative and financial investment.

That is not fair. The Manton substitute solves a problem. The Tauzin amendment creates new ones, and urge my colleagues to reject it.

Mr. MANTON. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. I thank the gentleman for yielding time to me.

Mr. Chairman, many rural residents are not served by cable and because of the cost of laying the wire may never be. In order to get news, educational programs, and entertainment other than over-the-air broadcasts, they now must invest in satellite dishes at substantial expense. However, some cable programmers have chosen not to make available the very programming that rural viewers bought these dishes for or sell it at such grossly inflated charges that it prices rural citizens out of the information age.

There are new technologies that may soon be able to deliver programming to all American homes and businesses. However, without access to quality and diverse programs, these technologies may never get off the ground. Vertically integrated cable companies have the ability to choke off these potential competitors by keeping a stranglehold over programming.

The Tauzin amendment addresses these issues by preventing these cable programmers from unreasonably refusing to deal with alternative multi-video providers. It will also prohibit these programmers from discriminating in price terms and conditions in offering its programming. It does not set those prices, terms or conditions at its detractors claim, but rather encourages good faith negotiations.

It is important to remember that unlike the bill that the house passed during the 101st Congress, the Tauzin amendment includes all existing technologies—C-band satellite—as well developing technologies. If the Tauzin language is adopted, the house will not be mandating which distribution systems will make it and which ones won't.

The Tauzin amendment is supported by the Alabama Rural Electric Association of Cooperatives, the National Rural Electric Cooperative Association, U.S. Telephone Association, the Consumer Federation of America, among others.

The Manton amendment is a weakened version of the program access section contained in H.R. 1303. It is so cable friendly as to raise suspicions and rightly so.

The exclusive contract language in the Manton amendment guts any real chance for competition by giving vertically integrated cable programmers a loophole big enough to drive a transfer truck through.

The Manton amendment will continue to allow cable companies to strangle at birth the development of any new multi-video distributions systems by failing to provide fair access with very limited exceptions to any other technology but C-band satellite service.

Vote "no" on Manton. It is a transparent attempt to include meaningful access to all Americans to the abundance of news, education and entertainment that we have come to rely on.

□ 2030

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. COOPER].

(Mr. COOPER asked and was given permission to revise and extend his remarks.)

Mr. COOPER. Mr. Chairman, tonight some 50 to 60 million American households will be watching some form of cable television. Those watching C-Span will know that in short and simple terms the amendment of the gentleman from Louisiana [Mr. TAUZIN] offers them the chance to cut their monthly cable bills by one-third, 34 percent to be exact. The amendment of the gentleman from New York [Mr. MANTON], on the other hand, holds out the prospect of higher and higher monthly cable bills.

Mr. Chairman, I would urge all Members of this House to vote against the Manton amendment. They have to do that in order to have a chance to vote on the Tauzin amendment so that we can lower consumer bills all over American.

The Tauzin approach gives competition a chance. The Manton approach gives competition the run-around. This is proven by the groups that support these different bills. The Tauzin bill is supported by every competitor group that is out there: the satellite dish people, the telephone people, the wireless cable people, the other folks who want to have a chance to give us a choice in cable programming. The Manton approach, on the other hand, is supported by the giant monopolists.

"Look at the map of the country," I say to my colleagues, "and you'll see that almost all of America wants the Tauzin approach. They want their bills

lowered, but in a few spots, a few spots with all the money, a few spots that own the cable companies and own the programming, they don't kind if prices go to the Moon."

Do not be fooled by this amendment, the primary force behind which is the second largest cable company in America, Time Warner, the company that has not only given us cop killer lyrics, but the company that wants to give us competition killer amendments. The Manton amendment is a step backward. It is weaker than the current bill that passed with a 3 to 1 majority in the Senate. It is weaker than 1303, which we passed here last year.

They are not virtually identical. It is true there may be a few words difference, but these words are all important. They amount to a \$4 billion a year difference, 4 billion dollars' worth of consumers' money that we should and could be saving with the Tausin amendment.

Mr. MANTON. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. DINGELL].

Mr. RINALDO. Mr. Chairman, I also yield my remaining 1 minute to the gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is recognized for 4 minutes.

Mr. DINGELL. Mr. Chairman, the character of this debate in the amendment shows that good men and honorable men dedicated to public interest can differ. There are no two better men on the committee, or anywhere, than the gentleman from New York [Mr. MANTON] and the gentleman from Louisiana [Mr. TAUZIN]. They are fine Members, and their differences, I believe, are honest and honorable.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York [Mr. MANTON]. The Manton substitute provides a balanced approach to the contentious issue of program access. Moreover, it does so in a form that is acceptable to the administration. If you are interested in enacting a cable bill into law, I urge you to support the Manton substitute because the Tausin amendment will produce a veto that cannot be overridden.

Access to programming is an extremely complicated issue, with compelling arguments on both sides. With all respect to my dear friend, the gentleman from Louisiana [Mr. TAUZIN], however, in my view the Manton substitute provides a far more balanced approach.

The reasons are really quite simple.

First, the Manton substitute provides an effective remedy for the problems faced by independent distributors of programming. It requires video programming vendors to sell into the backyard dish market at the same rates, terms, and conditions as they sell to cable distributors of their product.

This is the relief they have sought for many years. It will provide real relief that ought to be reflected in lower prices. Those of our constituents who have invested in backyard Earth stations should realize real benefits as a result of the adoption of the Manton amendment.

With respect to the new, higher power satellites, the Manton substitute recognizes that a balanced approach to potential problems is in order. It prohibits cable program networks from refusing to deal with new technologies "if such refusal would unreasonably restrain competition."

Unlike the Tausin amendment, it does not impose Government price controls. It does not micromanage an industry that doesn't yet exist. Its balanced approach will give the new technologies the opportunity to compete, without skewing the outcome of that competition to favor a particular competitor.

A lot has been said here today about exclusive distribution contracts. If this term is used in a pejorative fashion, it sounds most pernicious.

But exclusive distribution contracts are a fact of life in the video distribution business, and have been for more than 40 years. They are not evil. The CBS Television Network has exclusive distribution contracts—with the more than 200 CBS affiliates around the country. Likewise with NBC, ABC, and Fox.

Program syndicators enter into exclusive distribution contracts as well. Only one station per market can show programs like "Wheel of Fortune," or "Cosby" reruns, or any of the other shows that are syndicated.

Sports leagues do it too. ABC has an exclusive arrangement with the NFL to show "Monday Night Football."

Not only are exclusive distribution contracts a fact of life in the video marketplace. Exclusivity provides the mechanism to achieve diversity—an important policy goal that benefits the public. With access to more choices, the public has an increased opportunity to select what they want to see on television. Diversity helps to preserve our democracy, and is essential to enlightened self-governance.

The Manton substitute will promote diversity in media programming by preserving incentives for the new technologies to develop new programming products. The Tausin amendment not only removes these incentives for the future. It also will make the artists who now create these programs less willing to enter the video marketplace by removing their ability to control who exhibits their creative works.

Mr. Chairman, I urge the House to reject the excesses of the Tausin amendment, and support the Manton substitute. The Manton substitute is acceptable to the administration. The Tausin amendment is veto bait.

The balanced approach of the Manton substitute offers Members the opportunity to support meaningful program

access provisions that have a chance of being signed into law. I urge my colleagues to support this substitute, and provide real relief to the backyard Earth station marketplace.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. HUBBARD].

(Mr. HUBBARD asked and was given permission to revise and extend his remarks.)

Mr. HUBBARD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana [Mr. TAUZIN] and in opposition to the amendment offered by the gentleman from New York [Mr. MANTON], and I urge my colleagues to vote likewise.

Mr. Chairman, on behalf of my constituents in Kentucky I urge my colleagues to vote "no" on the Manton amendment and "yes" on the Tausin amendment.

I urge my colleagues to remember you must vote "no" on the Manton amendment in order to vote on the Tausin amendment.

Let us vote for the millions of Americans who deserve fairness as to the cost of cable television.

Mr. TAUZIN. Mr. Chairman, I say to the members of the committee, "You ought to ask yourself why Senators from 46 States in America voted for the Tausin amendment when it was offered to the Senate by Senator AL GORE. You ought to ask yourself why, why if it's such a bad amendment as it was just described to you."

Mr. Chairman, I will tell my colleagues why. Here is a map of the United States that shows the congressional districts where the sellers of programs are located, the big cable companies that sell programs, and control those programs and sell them at monopoly prices to American citizens. My colleagues should look for their district on that map, and, if they do not find their districts in red, if their district is in white, as is most of the United States of America under this map, I will understand why 46 States had Senators who voted for the Tausin amendment when it was offered on the Senate side.

□ 2040

This is your chance to stand up for consumers. If you want to go back to your districts, your town hall meetings, and your campaign trails, and tell your constituents back home you like their cable rates, you like the monopoly cable companies, you understand cable did not want Tausin to pass so you voted against it, you want to explain that to them, then vote for the Manton substitute.

If you want to lower cable rates in America, if you want competition in television, if you want to give consumers a break for a change, if you want to end this ugly cynicism in America that Congress cannot help the ordinary American citizen any more, you vote down Manton and vote for the Tausin amendment. We will have competition

and we will have lower cable rates for America.

Mr. THOMAS of Wyoming. Mr. Chairman, I want to thank Mr. TAUZIN for his leadership on this issue throughout this entire process. Mr. Chairman, I rise in support of the Tauzin amendment, and I do so for two simple reasons: To ensure rural access to cable programming and to encourage competition.

Of primary importance to me is the issue of access to programming. In Wyoming, as in rural areas throughout the country, many folks live in small, sparsely populated communities that are unserved by cable television. If this important group of Americans wants to receive the programming you and I take for granted, they must do it through other, sometimes costly technologies, such as satellite dish. I worked with these folks on a daily basis when I was with the Wyoming Rural Electric Association, and I hear from them today about the unfair prices they pay for programs, sometimes 500-percent more than cable subscribers, or their inability to even receive certain programs. The Tauzin amendment simply and justly ensures that satellite dish owners will have access to these programs at a fair price. Rural people are not asking to receive this programming for free, which, frankly, is the deal the cable companies have enjoyed. They simply want fair access.

This set up is a perfect example of how monopolies work. Certain cable companies have unfairly raised their rates, used these monopoly profits to purchase and create programming, then denied that product to their competitors. If that is not tightening the monopoly grip, I do not know what is. The Tauzin amendment would see that this monopoly practice is brought to an end. There are emerging technologies that can provide competition to cable. We all know what has happened in those communities lucky enough to have competing systems—rates have come down. The only thing standing in the way of fully developing these emerging technologies is access to programming. Cable should understand this better than anyone. We all prefer competition to regulation, and we ought to give emerging technologies this foot in the door that will allow competition to develop. If you are for competition, you should be for this amendment.

So, again, I thank Mr. TAUZIN for his leadership on this issue so important to folks in Wyoming's rural areas, and I urge adoption of the Tauzin amendment, and adoption of H.R. 4850.

The CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from New York [Mr. MANTON] as a substitute for the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MANTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announced that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the

amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The vote was taken by electronic device, and there were—ayes 162, noes 241, answered "present" 1, not voting 24, as follows:

[Roll No. 310]

AYES—162

- |               |               |             |
|---------------|---------------|-------------|
| Ackerman      | Hancock       | Oxley       |
| Allard        | Hastert       | Panetta     |
| Allen         | Hefley        | Parker      |
| Andrews (NJ)  | Henry         | Pastor      |
| Annuccio      | Herger        | Paxon       |
| Aroch         | Hertel        | Pelosi      |
| Aspin         | Hobson        | Pickie      |
| Barnard       | Holloway      | Price       |
| Berman        | Hopkins       | Purcell     |
| Billrakis     | Horton        | Ramstad     |
| Billey        | Hoyer         | Rangel      |
| Boehert       | Hunter        | Regula      |
| Boehner       | James         | Rhodes      |
| Bonior        | Jenkins       | Richardson  |
| Bornik        | Johnson (CT)  | Ridge       |
| Boxer         | Johnson (TX)  | Rinaldo     |
| Broomfield    | Johnston      | Ritter      |
| Burton        | Kasich        | Rohrabacher |
| Campbell (CO) | Kildee        | Rose        |
| Carpner       | King          | Roukema     |
| Carr          | Koibae        | Russo       |
| Chandler      | Kopetski      | Sangmeister |
| Coble         | Koestmayer    | Santorum    |
| Collins (MI)  | Kyl           | Saxton      |
| Conyers       | Lagomarsino   | Schaefer    |
| Cunningham    | Lehman (GA)   | Schauer     |
| Dannemeyer    | Lent          | Schiff      |
| Darden        | Levin (MI)    | Schroeder   |
| Dingell       | Lewis (CA)    | Serrano     |
| Dooley        | Lewis (FL)    | Sharp       |
| Doollittle    | Livingston    | Shaw        |
| Dornan (CA)   | Lowery (GA)   | Shuster     |
| Edwards (OK)  | Lowe (NY)     | Skaggs      |
| Engel         | Luken         | Smith (NJ)  |
| Espy          | Manton        | Smith (OR)  |
| Fawell        | Martin        | Solomon     |
| Fazio         | Matsui        | Stearns     |
| Fields        | McCollum      | Stump       |
| Fish          | McGrath       | Sweet       |
| Ford (TN)     | McHugh        | Swift       |
| Franks (OT)   | McMillen (MD) | Taylor (NC) |
| Gallely       | McNulty       | Thornton    |
| Gallo         | Miller (CA)   | Torres      |
| Gekas         | Miller (OH)   | Towns       |
| Gephardt      | Miller (WA)   | Upton       |
| Gilchrest     | Molinari      | Vander Jagt |
| Gillmor       | Moorhead      | Walker      |
| Gingrich      | Morella       | Waxman      |
| Goodling      | Morrison      | Weber       |
| Gradison      | Murphy        | Weldon      |
| Green         | Nowak         | Wolpe       |
| Hall (OH)     | Olin          | Young (FL)  |
| Hamilton      | Orton         | Zeliff      |
| Hammerschmidt | Owens (NY)    | Zimmer      |

NOES—247

- |              |               |              |
|--------------|---------------|--------------|
| Abercrombie  | Callahan      | Dreier       |
| Alexander    | Camp          | Duncan       |
| Anderson     | Campbell (GA) | Durbin       |
| Andrews (ME) | Cardin        | Dwyer        |
| Andrews (TX) | Chapman       | Early        |
| Applegate    | Clay          | Eckart       |
| Army         | Clement       | Edwards (CA) |
| Atkins       | Clinger       | Edwards (TX) |
| AuCoin       | Coleman (MO)  | Emerson      |
| Bacchus      | Coleman (TX)  | English      |
| Baker        | Collins (IL)  | Erdreich     |
| Balienger    | Combest       | Evans        |
| Barrett      | Condit        | Ewing        |
| Barton       | Cooper        | Fascell      |
| Bateman      | Costello      | Flake        |
| Bellenson    | Cox (CA)      | Foglietta    |
| Bennett      | Cox (IL)      | Frank (MA)   |
| Bentley      | Coyne         | Gaydos       |
| Berwiler     | Cramer        | Gejdenson    |
| Bevill       | Crane         | Geran        |
| Bilbray      | Davis         | Gibbons      |
| Blackwell    | de la Garza   | Gilman       |
| Boucher      | DeFazio       | Glickman     |
| Brewster     | DeLauro       | Gonzales     |
| Brooks       | DeLay         | Gordon       |
| Browder      | Derrick       | Goss         |
| Brown        | Dickinson     | Grandy       |
| Bruce        | Dicks         | Guarini      |
| Bryant       | Dixon         | Gunderson    |
| Bunning      | Donnelly      | Hall (TX)    |
| Bustamante   | Dorgan (ND)   | Harris       |
| Byron        | Downey        | Hayes (IL)   |

- |               |               |               |
|---------------|---------------|---------------|
| Hayes (LA)    | Moakley       | Sawyer        |
| Hecher        | Molohan       | Schube        |
| Hoagland      | Montgomery    | Schumer       |
| Hochbrueckner | Moody         | Sensenbrenner |
| Horn          | Moran         | Shays         |
| Houghton      | Mrazek        | Sikorski      |
| Hubbard       | Murtha        | Siskiy        |
| Huckaby       | Myers         | Steen         |
| Hughes        | Nagle         | Stelton       |
| Hutto         | Natcher       | Slattery      |
| Inhofe        | Neal (MA)     | Slaughter     |
| Ireland       | Neal (NO)     | Smith (FL)    |
| Jacobs        | Nichols       | Smith (IA)    |
| Jefferson     | Nunale        | Smith (TX)    |
| Johnson (SD)  | Oakar         | Snowe         |
| Jones (GA)    | Oberstar      | Spence        |
| Jonts         | Obey          | Spratt        |
| Kanjorski     | Oliver        | Staggers      |
| Kaptur        | Ortiz         | Stallings     |
| Keeney        | Owens (UT)    | Stark         |
| Kennelly      | Packard       | Stenholm      |
| Klecko        | Pallone       | Stokes        |
| LaFalco       | Patterson     | Studds        |
| Lancaster     | Payne (NJ)    | Sundquist     |
| Lantos        | Payne (VA)    | Synar         |
| LaRocco       | Passe         | Tanner        |
| Leach         | Penny         | Tauzin        |
| Lewis (GA)    | Perkins       | Taylor (MS)   |
| Lightfoot     | Peterson (MN) | Thomas (GA)   |
| Lipinski      | Petri         | Torricelli    |
| Lloyd         | Pickett       | Trailliant    |
| Long          | Porter        | Unsoeld       |
| Machtley      | Poshard       | Valentine     |
| Markey        | Quillen       | Vento         |
| Marlenee      | Rahall        | Visclosky     |
| Martinez      | Ravenel       | Volkmere      |
| Mavroules     | Reed          | Vucanovich    |
| Masoli        | Riggs         | Walsh         |
| McCandless    | Roberts       | Washington    |
| McCloskey     | Roe           | Waters        |
| McCrery       | Roemer        | Wheat         |
| McCurdy       | Rogers        | Whitten       |
| McDade        | Ros-Lehtinen  | Williams      |
| McDermott     | Rostenkowski  | Wise          |
| McEwen        | Roth          | Wolf          |
| McMillan (NC) | Rowland       | Wyden         |
| Meyers        | Roybal        | Wylie         |
| Mfume         | Sabo          | Yatron        |
| Michel        | Sanders       | Young (AK)    |
| Mineta        | Sarpalilus    |               |
| Mink          | Savage        |               |

ANSWERED "PRESENT"—1

Weiss

NOT VOTING—24

- |           |               |             |
|-----------|---------------|-------------|
| Anthony   | Hatcher       | Ray         |
| Coughlin  | Hyde          | Solarz      |
| Dellums   | Jones (NC)    | Talton      |
| Dymally   | Kolter        | Thomas (GA) |
| Feighan   | Laughlin      | Thomas (WY) |
| Ford (MI) | Lehman (FL)   | Traxler     |
| Frost     | Livins (CA)   | Wilson      |
| Hansen    | Peterson (FL) | Yates       |

□ 2100

Mr. McDADE and Mr. EDWARDS of California changed their vote from "aye" to "no."

Mr. HENRY changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MURPHY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will advise Members that this vote will be 5 minutes in duration.

The vote was taken by electronic device, and there were—ayes 338, noes 68,

answered "present" 1, not voting 27, as follows:

[Roll No. 311]

AYES—338

- Abercrombie
- Ackerman
- Alexander
- Allen
- Anderson
- Andrews (ME)
- Andrews (TX)
- Annunzio
- Applegate
- Atkins
- AuCoin
- Bacchus
- Baker
- Ballenger
- Barrett
- Bateman
- Bellenson
- Bennett
- Bentley
- Bereuter
- Bevill
- Bilbray
- Boehart
- Boraki
- Boucher
- Boxer
- Brewster
- Brooks
- Broomfield
- Browder
- Brown
- Bruce
- Bryant
- Bunning
- Bustamante
- Byron
- Callahan
- Camp
- Campbell (CA)
- Cardin
- Carper
- Carr
- Chandler
- Chapman
- Clay
- Clement
- Clinger
- Coble
- Coleman (MO)
- Collins (MI)
- Combest
- Condit
- Cooper
- Coastello
- Cox (IL)
- Coyne
- Cramer
- Cunningham
- Darden
- Davis
- de la Garza
- DeFazio
- DeLauro
- Dellums
- Derrick
- Dickinson
- Dicks
- Dingell
- Donnelly
- Dooley
- Dorgan (ND)
- Downey
- Dreier
- Duncan
- Durbin
- Dwyer
- Eckart
- Edwards (CA)
- Edwards (OK)
- Edwards (TX)
- Emerson
- Engel
- English
- Erdreich
- Espy
- Evans
- Ewing
- Fascoll
- Fazio
- Flake
- Foglietta
- Ford (TN)
- Frank (MA)
- Gallely
- Gallo
- Gaydos
- Gejdenson
- Gekas
- Gephardt
- Geren
- Gibbons
- Gilchrest
- Gillmor
- Gilman
- Gingrich
- Glickman
- Gonzales
- Gordon
- Goss
- Grandy
- Green
- Guarini
- Gunderson
- Hall (TX)
- Hamilton
- Hammerschmidt
- Harris
- Hastert
- Hayes (IL)
- Hayes (LA)
- Hefner
- Henry
- Hertel
- Hoagland
- Hoehnebeckner
- Hollaway
- Horn
- Houghton
- Hoyer
- Hubbard
- Huckaby
- Hughes
- Hunter
- Hutto
- Inhofe
- Ireland
- Jacobs
- James
- Jefferson
- Jenkins
- Johnson (OT)
- Johnson (SD)
- Johnston
- Jones (GA)
- Jontz
- Kanjoraki
- Kaptur
- Kasich
- Kennedy
- Kennelly
- Kildee
- Kleczka
- LaFalce
- Lancaster
- Lantos
- LaRocco
- Leach
- Levin (MI)
- Lewis (CA)
- Lewis (FL)
- Lewis (GA)
- Lightfoot
- Lipinski
- Livingston
- Lloyd
- Long
- Lowery (CA)
- Lowery (NY)
- Machtley
- Manton
- Markey
- Mariense
- Martin
- Martinez
- Matsui
- Mavroules
- Mascoli
- McCandless
- McCloskey
- McCollum
- McCrery
- McCurdy
- McDade
- McDermott
- McEwen
- McHugh
- McMillan (NC)
- McMillan (MD)
- McNulty
- Meyers
- Mfume
- Michel
- Miller (CA)
- Mineta
- Moakley
- Mollohan
- Montgomery
- Moody
- Moorhead
- Moran
- Morella
- Morrison
- Mrazek
- Murphy
- Murtha
- Nagle
- Natcher
- Neal (MA)
- Neal (NC)
- Nichols
- Nowak
- Nussle
- Oakar
- Oberstar
- Obey
- Oliver
- Ortiz
- Owens (NY)
- Owens (UT)
- Horn
- Panetta
- Patterson
- Paxon
- Payne (NJ)
- Payne (VA)
- Pease
- Pelosi
- Penny
- Perkins
- Peterson (MN)
- Petri
- Pickles
- Porter
- Poehard
- Price
- Pursell
- Quillen
- Rahall
- Ramstad
- Rangel
- Ravensel
- Reed
- Regula
- Richardson
- Ridge
- Riggs
- Ritter
- Roberts
- Roe
- Roemer
- Rogers
- Roe-Lehtinen
- Ross
- Rostenkowski
- Roth
- Rowland
- Roybal
- Russo
- Sabo
- Sanders
- Sangmeister
- Santorum
- Serpellius
- Savage
- Sawyer
- Saxton
- Scheuer
- Schiff
- Schulze
- Schumer
- Sensenbrenner
- Serrano
- Sharp
- Shaw
- Shays
- Shuster
- Sikorski
- Siskaky
- Skeen
- Skelton
- Slattery
- Slaughter
- Smith (FL)
- Smith (IA)
- Smith (NJ)
- Smith (OR)
- Smith (TX)
- Snowe
- Solomon
- Spence
- Spratt
- Staggers
- Stallings
- Stark
- Stearns
- Stenholm
- Stokes
- Studds
- Sundquist
- Swett
- Swift
- Synar
- Tanner
- Tausin
- Taylor (MS)
- Taylor (NO)
- Thomas (CA)
- Thornton
- Torricelli
- Towns
- Trafficant
- Unsoeld
- Upton
- Valentine
- Vander Jagt
- Vento
- Visclosky
- Volkmer
- Vucanovich
- Walker
- Walsh
- Washington
- Waters
- Waxman
- Weber
- Weldon
- Wheat
- Whitten
- Williams
- Wise
- Wolf
- Wolpe
- Wyden
- Wylie
- Yatron
- Young (AK)
- Young (FL)
- Zimmer

- NOES—68
- Allard
  - Andrews (NJ)
  - Archer
  - Armey
  - Aspin
  - Barnard
  - Barton
  - Berman
  - Bilirakis
  - Bliley
  - Boehner
  - Bonior
  - Burton
  - Campbell (CO)
  - Coleman (TX)
  - Collins (IL)
  - Cox (CA)
  - Crane
  - Dannemeyer
  - Dixon
  - Doolittle
  - Dornan (CA)
  - Fawell
  - Fields
  - Fish
  - Franks (OT)
  - Goodling
  - Gradison
  - Hall (OH)
  - Hancock
  - Hefley
  - Herger
  - Hobson
  - Hopkins
  - Horton
  - Johnson (TX)
  - Klug
  - Kolbe
  - Kopetski
  - Kostmayer
  - Kyl
  - Lagomarsino
  - Lehman (CA)
  - Lent
  - Luken
  - McGrath
  - Miller (OH)
  - Miller (WA)
  - Mink
  - Molinari
  - Myers
  - Olin
  - Orton
  - Orley
  - Packard
  - Parker
  - Pastor
  - Pickett
  - Rhodes
  - Rinaldo
  - Rohrabacher
  - Roukema
  - Schaefer
  - Schroeder
  - Skaggs
  - Stump
  - Torres
  - Zeliff

ANSWERED "PRESENT"—1

Weiss

NOT VOTING—27

- Anthony
- Blackwell
- Conyers
- Coughlin
- DeLay
- Dymally
- Early
- Feighan
- Ford (MI)
- Frost
- Hansen
- Hatch
- Hyde
- Jones (NO)
- Kolter
- Laughlin
- Lehman (FL)
- Levine (CA)
- Peterson (FL)
- Ray
- Solara
- Tallon
- Thomas (GA)
- Thomas (WY)
- Traxler
- Wilson
- Yates

□ 2108

Mr. RINALDO changed his vote from "aye" to "no."  
 So the amendment was agreed to.  
 The result of the vote was announced as above recorded.

Mr. MARKEY. Mr. Chairman, I move that the Committee do now rise.  
 The motion was agreed to.

□ 2110

Accordingly the Committee rose, and the Speaker pro tempore (Mr. OBERSTAR) having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4850) to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5620, URGENT SUPPLEMENTAL APPROPRIATIONS, 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-707) on the resolution (H. Res. 527) providing for the consideration of the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON H.R. 5677, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102-708), on the bill (H.R. 5677), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. PURSELL reserved all points of order on the bill.

REPORT ON H.R. 5678, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102-709), on the bill (H.R. 5678), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. PURSELL reserved all points of order on the bill.

REPORT ON H.R. 5679, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT 1993

Mr. NATCHER, from the Committee on Rules, submitted a privileged report (Rept. 102-710) on the bill (H.R. 5679), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. PURSELL reserved all points of order on the bill.