Mr. DAVIS of Illinois. Well, I want to thank the gentlewoman for joining me this afternoon. It has really been a pleasure, and not only to talk about history, but also to talk a little bit about mystery.

I always believe that if you break ''history'' apart, I was taught to read phonetically, and if you say ''history,'' that becomes ''his story.'' But if you say ''mystery,'' then that becomes ''my story.'' Certainly I would hope that every young African American in this country especially would realize that they are in the process of creating and writing and making their own story, and that they really do not have to live through other people's dreams.

Dr. King had a dream, but he did not have a patent on dreaming. He had a dream, but he did not get a patent, which means that you can live on 63rd street and have a dream, you can be down in the Mississippi Delta and have a dream.

Mrs. CHRISTENSEN. Or in the Virgin Islands.

Mr. DAVIS of Illinois. Or in the Virgin Islands, and have a dream. So we will just keep on dreaming, we will keep on working, we will keep on believing, we will keep on doing politics, and we will keep on celebrating black history. I want to thank the gentlewoman again so much.

RELIGIOUS FREEDOM AND RELIGIOUS BROADCASTING

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. OXLEY) is recognized for 60 minutes.

Mr. OXLEY. Mr. Speaker, I want to address the House regarding the issue of religious freedom and religious broadcasting.

A little bit of background, if I could. This whole issue began on December 29 when the Federal Communications Commission in a decision based on a license swap, a license swap in this case in Pittsburgh, Pennsylvania, between a commercial broadcasting station and a non-commercial broadcasting station.

In this case the religious broadcaster was seeking to swap their commercial license for a non-commercial license, something that, by the way, is rather routine at the Federal Communications Commission. When the license swap came up, the FCC allowed the swap, but said that, based on their opinion, the religious broadcaster, who was going to have the non-commercial license, that they needed additional guidance in regard to their religious broadcasting and whether that religious broadcasting fell under the requirement that the majority of programming be educational or cultural.

This was a little noticed opinion in license swap, except that some very alert member of my staff was able to find this decision and in fact brought it to my attention. The more we looked into it, the more that we thought it was rather odd that on a 3 to 2 vote in the FCC, that is the three Democrat appointees, including the chairman, voted in favor of these what I think can only be described as limitations or restrictions on religious broadcasting, whereas the two Republican members voted against, that it raised some serious questions as to whether the FCC majority did indeed have an agenda that was not in the best interests of religious broadcasting.

Now, over the years in non-commercial licenses, religious broadcasting had prima facia met the requirements of educational and cultural under their programming, and this was never an issue, and it was not until this issue came up in this license swap over the holidays that it really did raise some serious questions.

I was so concerned about it, Mr. Speaker, that I, during the recess, before the Congress adjourned again in January, started drafting legislation that would reverse the FCC decision and also required that when the FCC was going to make this severe policy change, that they had to follow the Administrative Procedures Act, have these hearings in the open, have public comment, just like they would do with any other issue that comes before them as a ''independent'' agency.

That really became kind of a rallying cry then for Members of Congress. For the religious broadcasting community, the millions of people who listen to religious broadcasting and watch religious broadcasting, it became a very big issue with them, as you might guess.

It was not until our bill was introduced, initially with about I think 65 cosponsors, which is not bad considering the fact that Congress was not in session, and we are now up to I think 120 cosponsors for my legislation, and I will get into that a little bit later, but as the bill was introduced and it started drawing some attention throughout the country and I was inundated with phone calls and E-mails.

I might point out that, Mr. Speaker, this is a compilation of all of the E-mails that I have received to date at least that are supportive of our legislation and are very concerned about the role of religious freedom and religious broadcasting freedom in this country.

I think it is quite remarkable, I had exactly two folks give me E-mails against the legislation. One of those opposed, and I quote, referred to ''superstitious nonsense,'' and then he put in parentheses ''religion.'' So apparently at least one person opposed to our position considers religion ''superstitious nonsense.''

I think that says a lot about where people are coming from in this country and the vast majority of Americans who have spoken loudly and clearly on this issue, so much so apparently that the FCC started to hear from people out there. They heard from Members of Congress, they heard about my bill, and, in a matter of a couple or three weeks, actually vacated that order by, in this case, a 4 to 1 vote.

So the FCC basically I think realized they had erred, not only from a constitutional standpoint, but certainly a procedural standpoint, in changing the policy as it related to religious broadcasting, and thought perhaps that they would, by vacating the order, turn down the heat a little bit.

Part of the reason I wanted to ask the opportunity to speak on the floor is to make certain that people understand that we are not going to let this issue die by any means, because there are some real issues at stake here, one of which is I wonder what is the real agenda for the FCC truly.

As a matter of fact, the only Commissioner to vote against the reversal of the FCC decision, Commissioner Tristani, said in her dissent that she would continue to act as if the additional guidance were still in effect. Since it was duly overturned by the FCC as a commission, I would say that is quite an outrageous statement.

She said, ''I, for one, will continue to cast my vote in accordance with the views expressed in the additional guidance.''

So despite the fact that the Commission realized the error of its ways, at least one Commissioner has gone public in basically saying that she wants to make certain that the religious broadcasters have to jump through certain hoops to be able to have their license.

That really raises a question, Mr. Speaker, as to if the FCC is talking about content, and they clearly are, and in their order, their initial order they said that you have to understand that part of your programming, half of your programming, has to be educational or cultural, and, by the way, religious services, for example, do not fall into that category.

Now, for people who are shut-ins, who are unable to go to church on Sunday or any other time, to be able to see religious broadcasting on television is truly a lifeline for these people, and the majority initially of the FCC and Commissioner Tristani basically says that you could not be able to do that, and, by the way, somebody has to decide what that content is; somebody has to decide what educational and cultural requirements are met. That would be, of course, the FCC.

□ 1700

Well, that puts the FCC up against the First Amendment.

There was a reason why the Founding Fathers created the First Amendment, freedom of speech, freedom of religion, the very core of what it means to live in this country. It was not the Second Amendment, it was not the Eighth Amendment, this was the First Amendment. I think it is important that we stress that when we talk about this effort by the FCC.

So despite the fact that they vacated the order, I am convinced that there is

still an agenda over at the FCC and why it is important that we move forward with the Religious Broadcasting Freedom Act that I have introduced, along with 120 other of my colleagues.

Mr. Speaker, I particularly want to pay tribute to my original cosponsors, and two of them are here with us today and will be speaking momentarily, the gentleman from Texas (Mr. HALL) and a member of the Committee on Commerce; and the gentleman from Florida (Mr. STEARNS), a leader in broadcasting issues throughout his career here in the Congress. They will both be speaking as well on this issue. I also want to pay tribute to the gentleman from Oklahoma (Mr. LARGENT) and the gentleman from Mississippi (Mr. PICKERING) and the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Missouri (Mr. BLUNT), all initial sponsors of this bill, and ones who enjoined the Oxley Religious Broadcasting Freedom Act in response to their constituents calling and asking that they do so.

Before I yield the floor, I would like to, if I can, Mr. Speaker, just quote from a few of the e-mails I have received from all over the country. I think it gives a little bit of flavor of where people are coming from on this issue. This one: ''Thanks for upholding the First Amendment.'' This one: ''You spoke to the millions of people all over this country who believe that the expressions of the churches and synagogues do indeed serve the needs of communities in this great country.'' Another one: ''So little is left on the air for families to sit down and watch together, and now the FCC wants to take that away as well. Your efforts and those of several others in Congress will go a long way to protect the freedoms we all enjoy and sometimes take for granted.'' Well spoken.

Another: ''Those such as myself that are disabled and cannot attend church services rely on radio and television broadcasts. They are so very important.''

Another one: ''What I find disturbing is the notion that this ruling opens the door for someone somewhere to make decisions about what is and what is not acceptable speech on religious topics. One man's proselytizing is another's evangelizing. How ironic that while those hostile to faith are madly trying to protect the right to express or view any vile thing on the Internet, they find this programming so offensive that they want to suppress it.''

Americans can be remarkably prescient and articulate when they are offended by some of government's decisions.

Another one: ''My mother, who is 87 years young, faithfully listens to the religious programs each day and every day, and this would have been a tremendous loss if they were deleted from the airwaves. Certainly, religious broadcasting serves to meet the educational, instructional and cultural needs of America. If we lose this freedom, what next?''

Another one: ''In a land where we often hear of the need for tolerance, Christianity is being less and less tolerated. If society truly believed in tolerance, they would have to include tolerance for Christianity. I am a strong believer in the separation of church and government and that the government should not establish religion, but to me, that means the government should not be hostile to religion or do things to hinder the free exercise of religion. The recent actions of the FCC clearly were the government taking a prejudicial position against religion.''

This final one: ''I am weary of the FCC thinking they have the authority to tax and change policy on a whim.''

That gives my colleagues an idea, Mr. Speaker, of the support that people have given us out there, and I am sure that other Members have their own stories to tell as well.

With that, let me recognize, in their order of appearance, the gentleman from Dallas, Texas (Mr. HALL), who has been one of our stalwarts on the Committee on Commerce. This is a bipartisan effort, and I do want to recognize my friend from Texas for his remarks.

Mr. HALL of Texas. Mr. Speaker, it is good when one can make something happen that ought to happen, and that is exactly what the gentleman from Ohio (Mr. OXLEY) and others that he has given credit to, have done here.

I rise as a cosponsor of the Religious Broadcasting Freedom Act. It is a bill that, of course, will help ensure that freedom of religious broadcasting is not threatened by the whims of the government policy decisions. I want to thank the gentleman from Ohio (Mr. Oxley) for his outstanding leadership on this, for his immediate leadership on it, and for his immediate action on it. I want to thank him for inviting me to be the lead Democrat on this, because I am honored to get to be.

Mr. Speaker, I would be remiss if I did not thank the gentleman from Oklahoma (Mr. LARGENT), who wrote and signed a letter with me to the commission and, of course, the gentleman from Florida (Mr. STEARNS), who is always on the right side of most issues that I come in contact with him on as I serve on the Committee on Commerce.

Mr. Speaker, in a recent ruling which was subsequently reversed in the wake of congressional and citizen opposition, the Federal Communications Commission stated that programming ''primarily devoted to religious exhortation, proselytizing or statements of personally-held religious views and beliefs, generally would not qualify as 'general education' programming.'' Now, the FCC also noted that church services normally would not qualify as general educational programs, so we can see where they are coming from.

This ruling was issued, as the gentleman from Ohio has said, without the benefit of public hearing. It was issued without any benefit of public comment, and it was issued while Congress was in recess. Actually, I think it was sometime between Christmas and New Year's Day. It constituted what I consider is an outrageous infringement on constitutional guarantees of freedom of religious expression; and it threatened to set a very dangerous precedent that could lead to the narrowing of a definition of what is considered educational.

Now, if that is going to be the subject of hearings, we want Congress to be in session. We want to have the right to introduce testimony. We want people to come from the far corners of this country that want to testify and have some input on what we consider is educational. We do not leave it up to a handful of people that are appointed and answerable to one person.

Well, the FCC was dead wrong from both a procedural and a constitutional standpoint. They acknowledged that they had created a ''widespread public confusion'' as a result of its ruling. At least they turned the table back, and at least they killed their ruling. Yet, we have not gone far enough. We have to pretty well put something in stone to give them some direction for the future. Now, that is what the gentleman's bill does.

Religious groups and thousands of concerned citizens have joined all of these Members of Congress that the Chairman has talked about in expressing their strong opposition to this initial ruling. I am pleased that the FCC listened to the American people and listened to the gentleman, and I am pleased that they listened to Congress and quickly reversed their onerous decision. However, our efforts do not end here.

We have to ensure that the FCC will follow its normal rulemaking procedures, which include taking public comment and listening to people; people having a chance to express themselves in the future. Mr. Speaker, H.R. 3525 will help ensure that such confusing policy decisions do not reoccur, and it will signal our support for continued freedom of religious broadcasting on our Nation's networks and support for the First Amendment.

Mr. Speaker, I urge my colleagues to join in support of the Religious Broadcasting Freedom Act.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for his remarks and for his continuing leadership on this. It is now my pleasure to call upon our good colleague from Florida (Mr. STEARNS), a member of the Committee on Commerce and a leader on many broadcast issues.

Mr. STEARNS. Mr. Speaker, I thank my colleague from Ohio. Like the gentleman from Texas, I compliment the Chairman for his bill.

I say to my colleagues, if the gentleman from Ohio (Mr. OXLEY) had not brought this bill and had not acted quickly, from the conservative ministry of James Kennedy of the Coral Ridge Ministry in Fort Lauderdale to the actual Christmas services of the Pope at the Vatican, we would not be

able to have these televised. These are two dramatic examples of services that are carried that people listen to.

So I think what we did in a larger sense is bring to bear the inadequacies of the FCC. He and I and others, including the gentleman from New York (Mr. GILMAN), are on a special task force to try and reform the FCC.

So I am here to compliment the gentleman on what he did; but in a larger sense, this points to the need for reform. So in my comments this evening, I will be talking about that.

The FCC's actions, defining and regulating noncommercial educational television stations, is something that we should be concerned about, because they met on December 28, I believe it was, December 28, right after Christmas, before New Year's, and issued an order. Now, normally when they issue an order, they have a hearing. They ask for comments. But for some reason, they decided to just go ahead and bring this up and issue an order, vacating ''the additional guidance.'' The underlying problem with the FCC in the first place is they should not have even done this without a hearing and having an opportunity for people to participate.

So the gentleman's bill, H.R. 3525, the Religious Broadcasting Freedom Act, needs our support today. We should pass it on the House floor.

Of course, my main point in addition to that is to reform and reauthorize this program to make their activities more clear to them. Three of the five FCC commissioners decided on this infamous date of December 28 last year that in order for noncommercial educational television to retain their licenses, they must devote 50 percent of their programming hours to shows that are educational and cultural and whose purpose is to meet the educational, instructional, and cultural needs of the community.

In doing so, three of the five FCC commissioners placed the FCC in the position of reviewing and evaluating all religious programming by concluding, ''programming primarily devoted to religious education, proselytizing or statements of personally-held religious views and beliefs generally would not qualify, would not qualify as educational or cultural programming.''

So basically they are saying that religion is not educational, it is not cultural; and as I said earlier, even the Christmas services at the Vatican by the Pope would not qualify under the FCC's ruling. Church services in themselves would not qualify. As most of us know, many of us on Sunday after church will even watch the television for additional services, and it is an inspiration for all of us.

Fortunately, two of the commissioners at the FCC had the foresight and common sense to realize the ramifications of their decisions. As the two commissioners said, regulations like this ''may open a Pandora's box of problems that will create confusion and litigation.'' Simply put, the more the Commission attempts to generically define which educational, instructional, and cultural programming will count for regulatory purposes, the closer it will come to unacceptable content regulation. The order indicates that church services generally would not qualify as a general educational program. We ask, however, why such programming might not qualify as cultural programming, just as a presentation of an opera or any other types of things like that.

So last month, they finally, I guess it was this month, they finally changed their decision, exercised some common sense, reversed all of their guidelines, and I think that is, I know it is because of the gentleman from Ohio (Mr. OXLEY) and the bill which I cosponsored, an original cosponsor with others, and the fact that when he put it on the House floor, he got over 75 cosponsors. So I urge the leadership to send a message to the FCC that we just cannot have this kind of behavior from the FCC, and we need to recognize that this bill is important to pass and send a message to the FCC that they should not do this again.

So this congressional scrutiny we had and this legislation has stopped the FCC dead in its tracks. They reversed themselves; and I think, as the gentleman from Ohio (Mr. OXLEY) has pointed out, the e-mails and all of the hundreds of letters that I have received, that he and other Members of Congress confirm the need for his bill.

□ 1715

So I urge my colleagues this evening to pass the Religious Broadcasting Freedom Act that he introduced. It will not only reverse the FCC regulations pertaining to noncommercial religious broadcasters, but also require public comments, just a simple thing, require public comments before handing down any future changes to noncommercial licensing regulations.

This is extremely important, for there are still those at the FCC, judging from the comments of some of the commissioners after they reversed this, in which they said it was a sad and shameful day to reverse this decision. They said that the FCC capitulated to organized campaigns of distortion, and all we did is got on the House floor a couple of times, the gentleman from Ohio (Mr. OXLEY) got all these cosponsors, and they accused us of distortion simply because we wanted to allow the idea of religious broadcasting to be cultural and educational; and we wish, after 30 years it has been on television, we wish that to continue.

There are still many people, Mr. Speaker, at the FCC that want to go back and continue with the decision they did in the dead of the night December 28. Fortunately, they will not be able to do that. That is why I think it is extremely important that we continue our fight here on the House floor to continue to try and get this bill passed, because if we do not, from what I see from the FCC comments of those who dissented after they reversed their decision, they are still going to be working hard to change the size and scope of the programming in television.

That is why I encourage in a larger sense this reform of the FCC, because they do not get the message. Without reform, and reauthorization with this reform, we will not be able to control this agency, control it in the sense that it better represents the citizens of the country.

Mr. Speaker, I am here to congratulate the gentleman from Ohio (Chairman OXLEY) for what he did for the betterment of this country, for television, and I think for the long-term survival of the country, that we can have and understand on television that religion is educational and it is part of our cultural heritage.

Mr. OXLEY. Mr. Speaker, I would again thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Texas (Mr. HALL) for their strong leadership on this issue.

In closing, I would only point out, Mr. Speaker, that I have had two discussions with the distinguished majority leader, the gentleman from Texas (Mr. ARMEY), who is a cosponsor, and he has indicated his strong desire to move this bill through normal procedures and through the Committee on Commerce and on to the floor of the House. So we are pleased that we have a powerful ally in the majority leader, and he feels as we do, that we cannot let this issue die, but must move forward.

We are indeed the duly-elected representatives of the people, not an independent agency. We make policy, they follow the policy. When they do not follow the policy, we make certain that the laws are clear as to how they will proceed.

I again thank everyone for their attention and for their good work on this issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BAIRD (at the request of Mr. GEPHARDT) for today on account of an unavoidable family matter.

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of official business in the district relating to the tornado disaster.

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. COOKSEY (at the request of Mr. ARMEY) for today on account of being a pall bearer at a funeral.

Mr. EVERETT (at the request of Mr. ARMEY) for today after 1:30 p.m. on account of illness in the family.