

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.

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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.