

Our friends from Nielsen may have already spoken to many of you about this bill, and let me assure you up front that this is not a bill “against” Nielsen. It would apply to any other company or new technology whose ratings service determines what we see on TV. But Nielsen will definitely be the most affected party if the bill passes, so let me characterize this instead as a bill to keep Nielsen honest and accountable to its customers, and to the public.

Because Nielsen today is pretty close to being a monopoly, any way you look at it. A private, unregulated monopoly provider of an essential public service. And as basic economics and everyday practice show, monopolies have the ability to abuse their power, because they are not constrained by competition—there is nowhere else for a TV station or advertiser to go if they don’t like what they get or how they are treated. Barriers to entry are pretty high in that business—it is not simple or cheap to set up a nationwide TV ratings service.

And that monopoly power has been abused in the past. Forty years ago or so, there were a couple of nationwide scandals about TV ratings. I remember that well, and some of you may even have seen the movie. Payola and game shows. At that time, Nielsen’s service was found to be mixed up with all that in some way, and was reporting flawed data.

And Congress got involved. The Senate had hearings for many months, and at the end of it, there was a report—the Harris Commission report—that called for the creation of an independent, industry-run, private oversight body to audit and accredit Nielsen’s ratings measurement systems for accuracy.

That body was created in 1964 and is now called the Media Rating Council. It continues to audit and accredit TV ratings systems to this day, consulting closely with Nielsen and its own members, who are the main consumers of TV ratings data. It has long experience and great expertise at conducting audits of ratings data for quality and accuracy. And it has broad industry support and participation.

The Media Rating Council’s role today, and its relationship with Nielsen, or any other TV rating company that may come to equal prominence in the future, are what concern me and moved me to introduce this bill.

Last year, Nielsen introduced a new technology called Local People Meters, which was designed to measure viewer behavior in a more accurate way and to replace the old paper diaries. This system was similar to a technology that Nielsen had introduced in the late 1980s. In both cases, there were big changes in the TV ratings when Nielsen moved from the old system to the new one. To the extent that these changes simply captured viewer preferences more accurately, this was good for the industry and for TV viewers in

general. There is no public interest in which channel gets higher or lower ratings, so long as the measurement is accurate.

But in certain cases, in four of our largest cities last year, it was not. It turns out that, since the meters operate differently from the diary system, there were flaws in the measurement of the underlying data by demographic group, due to higher “fault rates” among certain groups: African-Americans, Hispanics, younger viewers, larger families, and certain others.

And here is where the Media Rating Council came in. They had audited the data and examined the people meter system in certain cities in advance, in a trial period, and identified these problems. And they told Nielsen about them in advance. And they told Nielsen that the undercounting should be fixed before it sold the data from this system commercially.

And what did Nielsen do? It effectively ignored the MRC’s prior findings. It said it would work to fix the system while it was already “live” and producing real TV ratings—with those flaws—and would continue to roll out the new technology in other cities before the problems were fixed in the old ones.

I chaired a hearing last summer in the Commerce Committee on this issue, and have continued to monitor the situation closely since then. At that hearing, Nielsen indicated that it would have the problems fixed within a few weeks. Now, a year later, they are still not fixed, despite clear instructions from the Media Rating Council. And while Nielsen has been cooperative with customers and critics—to its credit—the fundamental issue of oversight enforcement has not been resolved.

Now I agree with Nielsen, and most others do too, that the people meters, when implemented correctly, produce better numbers than the diaries. And we should be glad that Nielsen is devoting the resources to developing new technologies, as it should. The diary system, after all, hasn’t really changed much since the 1950s.

But it is also clear that Nielsen should not have moved ahead without the full prior approval of the Media Rating Council, which is the expert organization set up—at the behest of Congress—to ensure TV ratings accuracy. It was this action, more than any of the other details of the controversy, that indicated to me that the oversight system was missing some essential teeth.

So my bill simply makes prior Media Rating Council accreditation for TV ratings systems mandatory, not voluntary, as it is today. It backstops a system that has been in place for 40 years.

It is not a bill about the Local People Meter system. It is not a bill about the ratings of one broadcast company or any group of companies. It is not even a bill about Nielsen, although it will clearly be the most affected company.

Further, there is no government role whatsoever envisioned in this bill. It does not create any new government standards, regulation, or bureaucracy: the oversight will be carried out by a private, self-governing, industry body that has already been operating for 40 years.

So, I hope we can all agree that accurate TV ratings are in the public interest. I hope we can all agree that private industry oversight, by the entity set up by Congress 40 years ago, is the best way to ensure that. And if we can, I hope all of my colleagues in the Senate will support this bill, on behalf of all television viewers throughout the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 186—AFFIRMING THE IMPORTANCE OF A NATIONAL WEEKEND OF PRAYER FOR THE VICTIMS OF GENOCIDE AND CRIMES AGAINST HUMANITY IN DARFUR, SUDAN, AND EXPRESSING THE SENSE OF THE SENATE THAT JULY 15 THROUGH JULY 17, 2005, SHOULD BE DESIGNATED AS A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR THE PEOPLE OF DARFUR

Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. COBURN, Mr. DEWINE, Mr. DURBIN, Mr. KERRY, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 186

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that “genocide has been committed in Darfur”;

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that “the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide”;

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that “[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish”;

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the “continued violations of the N’djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts”;

Whereas President Bush declared on June 30, 2005, “Yet the violence in Darfur region is clearly genocide. The human cost is beyond calculation.”

Whereas it is estimated that more than 2,000,000 people have been displaced from

their homes and remain in camps in Darfur, Chad, and elsewhere;

Whereas while United States government assistance and African Union monitoring has mitigated violence in some regions of Darfur, religious leaders, genocide survivors, and world leaders have expressed grave concern, over the atrocities still occurring there and for the thousands that may still be dying; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for the people of Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the people of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

SENATE RESOLUTION 187—AUTHORIZING THE TAKING OF VIDEO IMAGES IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DODD, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 187

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF VIDEO IMAGES IN SENATE CHAMBER.

(a) **AUTHORIZATION.**—Subject to subsection (b), paragraph 1 of rule IV of the Rules of the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the C-SPAN television network to take, during a period the Senate is in recess, video images of the Senate Chamber.

(b) **LIMITATION ON USE OF IMAGES.**—The C-SPAN television network may use video images taken under subsection (a) solely for inclusion in a documentary on the history of the United States Capitol which the network is preparing.

(c) **ARRANGEMENTS.**—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of video images under this resolution does not disrupt any proceeding of the Senate.

SENATE RESOLUTION 1881—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LAFRENIERE V. CONGRESS OF THE UNITED STATES

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas, the United States Congress has been named as a defendant in the case of

LaFreniere v. Congress of the United States, Civ. No. 05-1368, pending in the United States District Court for the Northern District of California;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend in civil actions the Senate when there is placed in issue the validity of any action taken by the Senate in its official capacity;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now, therefore, be it

Resolved, That the Senate Legal Counsel, in conjunction with counsel for the House of Representatives, is authorized to represent the United States Congress in the case of LaFreniere v. Congress of the United States.

SENATE RESOLUTION 189—CONGRATULATING MICHAEL CAMPBELL FOR HIS VICTORY IN THE U.S. OPEN GOLF TOURNAMENT AND CELEBRATING THE RELATIONSHIP BETWEEN THE UNITED STATES AND NEW ZEALAND

Mr. SMITH (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas on June 19, 2005, Michael Campbell, a citizen of New Zealand, won the United States Golf Association's Open Championship ("U.S. Open");

Whereas the U.S. Open was held at Pinehurst No. 2, one of the most storied and difficult courses in professional golf;

Whereas Michael Campbell's even par 280 was 2 strokes better than any other golfer in the field;

Whereas Michael Campbell showed great perseverance and resolve by becoming the first golfer to come from behind to win the U.S. Open in 7 years;

Whereas Michael Campbell became the first New Zealander to win one of golf's 4 major tournaments since Bob Charles won the British Open in 1963;

Whereas New Zealand has long been a prominent fixture on the stage of international sports, winning 2 of the last 3 America's Cup yacht races and 3 gold medals and 2 silver medals at the 2004 Summer Olympic Games in Athens, Greece;

Whereas the competitive spirit and success of these athletes is reflective of the bravery and skill of New Zealand's seagoing indigenous explorers, the Maori, of whom Michael Campbell is a descendant;

Whereas Michael Campbell's Maori-Scottish heritage is representative of the great cooperation between, and harmonious blending of, Polynesian and European cultures;

Whereas New Zealand was a staunch ally in every major conflict of the 20th Century and its people made heroic efforts and enormous sacrifices to help protect freedom and democracy throughout the world;

Whereas New Zealand has contributed regularly to international peacekeeping operations, remains steadfast in their alliance in the fight against terrorism and extremism, and continues to assist in the reconstruction of Iraq and Afghanistan; and

Whereas New Zealand remains a close ally: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael Campbell for his outstanding achievement in winning the U.S. Open;

(2) celebrates Michael Campbell's victory as a proud moment for New Zealand;

(3) recognizes Michael Campbell's victory as an opportunity to—

(A) highlight the strong relationship and rich history between the United States and New Zealand; and

(B) foster greater collaboration and friendship between these 2 great nations; and

(4) expresses arohanui to the peoples of Aotearoa, our friends in the Land of the Long White Cloud.

SENATE RESOLUTION 190—A BILL RECOGNIZING THE 100TH ANNIVERSARY OF MESA VERDE NATIONAL PARK

Mr. SALAZAR (for himself and Mr. ALLARD) submitted the following resolution; which was considered and agreed to:

S. RES. 190

Whereas Mesa Verde National Park was created 100 years ago by an Act of Congress and signed into law by President Theodore Roosevelt on June 29, 1906, as the first National Park set aside to preserve the works of humankind;

Whereas the more than 5,000 archeological sites, including over 600 cliff dwellings, protected within the 52,000-acre boundary of Mesa Verde National Park represent some of the most spectacular and best-preserved prehistoric architecture in the world;

Whereas in 1928, Congress declared the natural resources of Mesa Verde National Park to be of such caliber as to be worthy of the same level of protection as the cultural resources therein;

Whereas 8,500 acres within Mesa Verde National Park were designated as wilderness by Congress on October 20, 1976;

Whereas on September 8, 1978, the United Nations Educational, Scientific, and Cultural Organization ("UNESCO") declared Mesa Verde National Park to be 1 of 8 original World Cultural Heritage Sites;

Whereas Mesa Verde National Park is part of our American heritage that is universally recognized and shared with the world;

Whereas Mesa Verde National Park is the primary driving force behind the economy of southwestern Colorado and the Four Corners Region;

Whereas the communities of Cortez, Dolores, Mancos, and Durango, Colorado, have come together to plan a year-long celebration worthy of this magnificent icon of the National Park System; and

Whereas 24 American Indian tribes recognize Mesa Verde as their ancestral home and contribute a rich cultural heritage to the experience of visitors to the region: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of Mesa Verde National Park; and

(2) urges all citizens of the United States to join in the Centennial Celebration of Mesa Verde National Park by participating in the many activities planned throughout the year in 2006.

SENATE RESOLUTION 191—HONORING ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES SANDRA DAY O'CONNOR

Mr. FRIST (for himself, Mr. REID, Mr. MCCAIN, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr.