

HOUSE OF REPRESENTATIVES—Monday, May 15, 2000

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. TANCREDO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 15, 2000.

I hereby appoint the Honorable THOMAS G. TANCREDO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 112. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 434.

The message also announced that pursuant to Public Law 106-173, the Chair, on behalf of the Vice President, appoints the following individuals to serve as members of the Abraham Lincoln Bicentennial Commission—

the Senator from Illinois (Mr. DURBIN); and

Dr. Jean T.D. Bandler of Connecticut.

The message also announced that pursuant to sections 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Sixth Congress, to be held in Mississippi and Louisiana, May 19-22, 2000—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Ohio (Mr. DEWINE);
the Senator from Minnesota (Mr. GRAMS);

the Senator from Maine (Ms. COLLINS);

the Senator from Ohio (Mr. VOINOVICH);

the Senator from Vermont (Mr. LEAHY);

the Senator from Louisiana (Mr. BREAU); and

the Senator from Hawaii (Mr. AKAKA).

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

LOW POWER FM RADIO

Mr. STEARNS. Mr. Speaker, I rise today in response to today's front page story in The Washington Post entitled, "Political static may block low power FM." The article paints a picture of what the new low power FM radio service may offer, but, Mr. Speaker, it does not properly convey why this Chamber, this House of Representatives, was compelled to overwhelmingly pass a bill introduced by my good friend, the gentleman from Ohio (Mr. OXLEY). We did not pass a bill, as the article says, because of the influence of lobbyists or as a matter of politics. Quite simply, we passed a bill as a matter of good policy. That is why I am here this afternoon to point this out.

When the FCC commission began its journey by adopting a notice of proposed rule-making designed to establish low power FM service, many of us voiced concerns about the potential interference larger commercial and public stations would face from this service. Surely, the FCC would not undertake and implement a service on such an important point as this without testing to be sure that interference was not involved.

Well, our subcommittee of the Committee on Commerce earlier heard testimony that the FCC did just that, that they had not determined that no interference would occur between stations when they issued these low power FM licenses.

So we think the FCC has rushed to judgment without resolving this critical part, which is the interference issue without fully consulting with us. Even the FCC witness testifying before our committee could not explain why the commission, the FCC commission, did not measure interference using signal-to-noise ratios. Simply put, the five technical studies analyzing the in-

terference issue caused by low power FM stations have produced conflicting conclusions regarding interference on the third adjacent channel. The FCC, nevertheless, Mr. Speaker, is pressing forward with its own agenda, all the while steamrolling over the legitimate concerns of existing broadcasters.

Instead, broadcasters who have invested millions and millions of dollars into stations with the assumption that the FCC would ensure the integrity of their spectrum now have to worry about interference from a project that the FCC has no idea whether it will work or not.

Examples of interference are already clear. Let us say all of us drive along the Beltway here in Washington near the intersection of I-66 and Route 50. We all know where that is. You can hear for yourself what third-adjacent channel interference sounds like. For there, two local FM radio stations, three channels apart, cross paths, and the interference is clear and apparent. That is the reality that we do not want to replicate in any sort of low power FM proceeding at the FCC. By dropping third channel interference rules, the FCC is creating an environment whereby it is clear that interference will increase. How much? The broadcast industry says a lot. The FCC, very little. So the question is who is right?

Well, now we are going to find out. The independent third party testing provisions of the legislation we passed in this House allow for a 9-month, nine-market analysis of low power FM. Not only will that analysis look at existing FM stations, but it will also analyze the impact on reading services for the blind, FM translators and the advent of digital radio. These are the issues that the FCC decided were not important, so it never tested any of them.

It is a shame that the FCC was not more aggressive in doing testing itself. After all, this agency is supposed to be the guardians of the spectrum. But by measuring distortion rather than using the internationally recognized standard for interference, the FCC cooked its own results in a way that allowed for it to move forward. That decision came even as Congress was out of town in January, as if our views on this subject did not matter. The fact is that low power FM is a symptom of this agency that does not recognize its responsibilities to Congress. This low power FM action is simply the latest in a series of FCC actions that call into question the whole notion of accountability at the FCC.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.