

not have to vote on this type of amendment. The use of the 1906 Antiquities Act is not an appropriate way to unilaterally cut off millions of acres of land from public use by fiat nor does it allow for the type of open and fair input to those living and working on and near those lands. Our democratic process should promote such procedural fairness and consultation.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, no matter what other issues are discussed in this Senate, what other concerns are brought before the body, the Nation's attention is turned again to the issue of campaign finance reform, the seemingly never-ending effort to restore integrity to this process and change the Nation's campaign finance laws.

In March, the Senate passed a comprehensive and workable piece of legislation; it required 2 weeks and 22 amendments. One of those amendments I offered together with my colleagues, Senator CORZINE, Senator DURBIN, and Senator ENSIGN. It was the other part of the equation: As we reduce the amount of money that is raised, to reduce the amount that must by necessity be spent.

Campaign spending in America is easily defined. It is used for television overwhelmingly: 80 or 85 percent of the cost of the Senate campaign goes to a television network.

This amendment was passed overwhelmingly by the Senate. I take the floor today because it is now in jeopardy. It is unconscionable, while the American people have demanded a control on the amount of political money being spent in America, unconscionable while this Congress has fought for campaign finance reform, the broadcast industry is fighting to the death to reverse this amendment in the House of Representatives and allow the television networks to charge whatever they want to charge for political advertising.

I take the floor today as one who has voted for campaign finance reform since I came to the Congress 18 years ago. I have always voted for campaign finance reform. I always want to vote for it because I believe the system must be fundamentally changed to restore integrity to the system and gain the confidence of the American people.

I take the floor to make this very clear: Reducing campaign fundraising without reducing the cost of campaigns

is not reform. That reduces the amount of communication. It makes it more difficult for the political parties and candidates to communicate their message. This cannot be reform. This is silencing political debate in America.

The bill that passed this Senate reduced the amount of soft money, eliminated the amount of soft money and, correspondingly, in a balanced fashion, dealt with this cost of advertising.

In 1971, the Congress believed we had faced this problem and required the charging of the lowest unit charge. Over 30 years, the law became ineffective. That is why I offered this amendment. This chart shows, by 1990, an audit by the FEC found that 80 percent of television stations were failing to give the lowest rate. These are examples from around the country. The price of a typical ad is a percent greater than the lowest rate that should have been offered: NBC in New York, 21 percent higher than by law should have been charged; WXYZ in Detroit, 124 percent; KGO, San Francisco, 62 percent higher than the lowest rate. These are the numbers that convinced 69 Democrats and Republicans in the Senate to pass this amendment.

The second reason for the amendment is that stations are charging candidates the lowest rate, looking back 365 days. So they cannot simply charge the lowest rate available on that day, which they were not doing anyway, but had to look back for what was the lowest rate during the course of the year. The fact is, the broadcast industry in America has been profiteering at the expense of the political system. There is not another democracy in the world where the public airwaves, licensed to private companies, are used for profiteering and price gouging when a public candidate attempts to communicate with people in the country.

The patterns are quite clear. This chart indicates the percentage of ads sold above or below the lowest unit cost per station. Below the unit rate, Philadelphia, KYW, 9 percent; Detroit, XYZ, 8 percent; Los Angeles, one of the better in the country, is only 63 percent. NBC in New York, 15 percent of their ads are sold in accordance with the 1971 law at the lowest unit rate.

It isn't that the law is not being obeyed; it is being violated wholesale. Compliance with the law is the rare, rare, exception.

Here is the magnitude of the problem. In the 2000 political season, political advertisers spent \$1 billion on television ads; \$1 billion was raised, fundraiser by fundraiser, mailer by mailer, telephone call by telephone call. And an extraordinary percentage of this advertising, if it had been paid for at the lowest unit rate, would have saved hundreds of millions of dollars in political fundraising.

My message out of this, I hope, is clear. I speak not to my colleagues, but

I speak to the broadcast industry, to the network televisions, which since the 2000 Presidential campaign have carried on a campaign of their own, criticizing the political community, attacking individual candidates, railing against the problems of political fundraising.

Instead of being part of the problem, be part of the solution. Campaign finance reform does not simply mean the Democrat and Republican Parties. It means ABC, NBC, CBS. It means you. Get your lobbyists out of the House of Representatives, out of these Chambers, and be part of a solution of campaign finance reform. Allow a balanced piece of legislation to pass this Congress that deals with this problem.

The National Association of Broadcasters has been fighting against this provision in an exercise of their own greed on two myths: First, that this will lead to perpetual campaigns because the low rates will mean this will go on and on forever in advertising.

That simply is not the case. The look-back will only allow the lowest rates for 365 days. Mr. SHAYS and MEEHAN have only proposed 180 days. That is the extent, in the primary season, campaigns are taking place anyway. The campaigns will not be longer; they will just be less expensive. And that is the problem for the broadcasters.

Second, that this is somehow unconstitutional, that we are taking private property. For 30 years this has already been the law. The broadcasters, as a condition of their license, are required to do public broadcasting, sometimes children's broadcasting. They comply with all kinds of Federal requirements as a condition of having a public license. This is one more, but it is not even a new requirement. For 30 years we have required them to sell at the lowest unit rate. They simply are not doing it. We are just strengthening the law; we are not fundamentally changing the law.

Third, they allege the amendment could force a TV station to sell a 30-second spot during a prime time television show for a de minimus amount of money. Actually, that would not be bad if it were true, but it is not. The FCC, in mediating pricing disputes under the law as it now stands, has always taken viewership levels into account, that they must be comparable. You cannot take a 2 o'clock in the morning television show that sells at a discount rate and compare it with prime time. It simply is not true.

Fourth, the broadcasters say lowering the costs of candidate advertising will result in candidates running more ads. As my friend MITCH MCCONNELL commented on occasion, the Nation does not suffer from too much political discussion. It would not be a bad thing if there were more advertising, discussing more issues. But that is probably not the result of this amendment.