

tice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4276. A letter from the Attorney General of the United States, transmitting the annual report for fiscal year 1991 on the private counsel debt collection pilot project, pursuant to 31 U.S.C. 3718(c); to the Committee on the Judiciary.

4277. A letter from the Secretary of the Interior, Secretary of Commerce, transmitting the 11th report on activities of the Department of Interior and the Department of Commerce with respect to the emergency stripped bass research study, pursuant to 16 U.S.C. 757(b); to the Committee on Merchant Marine and Fisheries.

4278. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4279. A letter from the Secretary, Department of Defense, transmitting the 1992 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; jointly, to the Committees on Armed Services and Foreign Affairs.

4280. A letter from the Deputy Secretary of Energy, transmitting a copy of a report entitled, "Transporting U.S. Oil Imports: The Impact of Oil Spill Legislation on the Tanker Market"; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

¶107.3 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 12

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 571):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.

When said resolution was considered. After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LUKEN, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 263
Nays 134

¶107.4 [Roll No. 397] YEAS—263

Abercrombie	Andrews (NJ)	Bacchus
Ackerman	Andrews (TX)	Bateman
Alexander	Annunzio	Bennett
Anderson	Applegate	Berman
Andrews (ME)	Aspin	Bevill

Bilbray	Horn
Blackwell	Hoyer
Bonior	Hubbard
Borscki	Hutto
Boucher	Inhofe
Brooks	Jefferson
Browder	Jenkins
Brown	Johnson (SD)
Bruce	Johnston
Bryant	Jones
Bustamante	Jontz
Byron	Kanjorski
Callahan	Kaptur
Campbell (CO)	Kasich
Cardin	Kennelly
Carper	Kildee
Carr	Klecicka
Chapman	Kolter
Clay	Kopetski
Clement	Kostmayer
Coleman (MO)	LaFalce
Coleman (TX)	Lancaster
Collins (IL)	Lantos
Condit	LaRocco
Cooper	Laughlin
Costello	Lehman (CA)
Cox (IL)	Lehman (FL)
Coyne	Levin (MI)
Cramer	Levine (CA)
Darden	Lewis (GA)
Davis	Lipinski
de la Garza	Lloyd
DeFazio	Long
DeLauro	Lowey (NY)
Dellums	Luken
Derrick	Machtley
Dicks	Manton
Dingell	Markey
Dixon	Martinez
Donnelly	Matsui
Dooley	Mavroules
Dorgan (ND)	Mazzoli
Downey	McCloskey
Durbin	McCurdy
Dwyer	McDermott
Dymally	McGrath
Eckart	McMillan (NC)
Edwards (CA)	McMillen (MD)
Edwards (TX)	McNulty
Emerson	Mfume
Erdreich	Michel
Espy	Miller (CA)
Evans	Miller (WA)
Ewing	Mineta
Fazio	Mink
Feighan	Moakley
Fields	Mollohan
Flake	Montgomery
Foglietta	Moody
Ford (MI)	Moran
Ford (TN)	Morrison
Frost	Mrazek
Gaydos	Murphy
Gejdenson	Murtha
Gephardt	Nagle
Geran	Natcher
Gibbons	Neal (MA)
Gilman	Neal (NC)
Glickman	Nowak
Gonzalez	Oberstar
Grandy	Obey
Guarini	Olin
Gunderson	Olver
Hall (OH)	Ortiz
Hall (TX)	Orton
Hammerschmidt	Owens (NY)
Harris	Pallone
Hatcher	Panetta
Hayes (IL)	Parker
Hefner	Pastor
Henry	Patterson
Hoagland	Payne (NJ)
Hochbrueckner	Payne (VA)

NAYS—134

Allard	Burton	Dreier
Allen	Camp	Duncan
Archer	Campbell (CA)	Edwards (OK)
Armye	Clinger	Fawell
Baker	Coble	Fish
Ballenger	Combest	Frank (MA)
Barrett	Coughlin	Franks (CT)
Barton	Cox (CA)	Galleghy
Bentley	Crane	Gallo
Bereuter	Cunningham	Gekas
Bilirakis	Dannemeyer	Gilchrist
Billiey	DeLay	Gillmor
Boehlert	Dickinson	Gingrich
Boehner	Doolittle	Goodling
Bunning	Dornan (CA)	Goss

Pease	Gradison
Pelosi	Green
Penny	Hamilton
Peterson (FL)	Hancock
Peterson (MN)	Hansen
Petri	Hastert
Pickett	Hefley
Poshard	Herger
Price	Hobson
Pursell	Holloway
Quillen	Hopkins
Rahall	Horton
Ramstad	Houghton
Rangel	Hughes
Ravenel	Hunter
Ray	Hyde
Reed	Jacobs
Rinaldo	James
Roe	Johnson (CT)
Roemer	Johnson (TX)
Rogers	Klug
Rose	Kolbe
Rostenkowski	Kyl
Rowland	Lagomarsino
Roybal	Leach
Russo	Lent
Sabo	Lewis (CA)
Sanders	Lewis (FL)
Sangmeister	Lightfoot
Sarpalius	Livingston
Sawyer	
Schumer	
Serrano	
Sharp	
Shays	
Sikorski	
Sisisky	
Skaggs	
Skelton	
Slattery	
Slaughter	
Smith (FL)	
Smith (IA)	
Spratt	
Staggers	
Stallings	
Stark	
Stenholm	
Stokes	
Studds	
Sundquist	
Sweet	
Swift	
Synar	
Tallon	
Tanner	
Tauzin	
Taylor (MS)	
Thomas (CA)	
Thornton	
Torres	
Torricelli	
Traficant	
Unsoeld	
Valentine	
Vento	
Visclosky	
Volkmer	
Walsh	
Washington	
Waxman	
Wheat	
Whitten	
Williams	
Wise	
Wolf	
Wolpe	
Wyden	
Wylie	
Yates	
Yatron	
Young (FL)	

Lowery (CA)	Santorum
Marlenee	Saxton
Martin	Schaefer
McCandless	Schiff
McCollum	Schroeder
McDade	Schulze
McEwen	Sensenbrenner
Meyers	Shaw
Miller (OH)	Shuster
Molinari	Skeen
Moorhead	Smith (NJ)
Myers	Smith (OR)
Nichols	Smith (TX)
Nussle	Snowe
Oakar	Solomon
Oxley	Spence
Packard	Stearns
Paxon	Stump
Porter	Taylor (NC)
Regula	Thomas (CA)
Rhodes	Thomas (WY)
Richardson	Upton
Ridge	Vander Jagt
Riggs	Vucanovich
Ritter	Walker
Roberts	Weldon
Rohrabacher	Wilson
Ros-Lehtinen	Zeliff
Roth	Zimmer
Roukema	

NOT VOTING—35

Anthony	Engel	Owens (UT)
Atkins	English	Perkins
AuCoin	Fascell	Pickle
Barnard	Gordon	Savage
Beilenson	Hayes (LA)	Scheuer
Boxer	Hertel	Solarz
Brewster	Huckaby	Towns
Broomfield	Ireland	Traxler
Chandler	Kennedy	Waters
Collins (MI)	McCrery	Weber
Conyers	McHugh	Young (AK)
Early	Morella	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶107.5 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4551. An Act to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes.

The message also announced that the Senate disagreed to the amendments of the House to the bill (S. 2532), an Act entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and appointed from the Committee on Foreign Relations: Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. CRANSTON, Mr. LUGAR, Mrs. KASSEBAUM, and Mr. PRESSLER; from the Committee on Agriculture, Nutrition, and Forestry for matters solely within their jurisdiction: Mr. LEAHY, Mr. KERREY, and Mr. LUGAR; from the Committee on Banking, Housing, and Urban Affairs, for matters solely within their jurisdiction and for matters within the shared jurisdiction of that committee and the Foreign Relations Committee: Mr. RIEGLE, Mr. SARBANES, and Mr. GARN; to be the conferees on the part of the Senate.

¶107.6 SUBMISSION OF CONFERENCE
REPORT—S. 2344

Mr. MONTGOMERY submitted a conference report (Rept. No. 102-871) on the bill of the Senate (S. 2344) to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶107.7 CABLE TELEVISION CONSUMER
PROTECTION

Mr. MARKEY called up the following conference report (Rept. No. 102-862):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 12), to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cable Television Consumer Protection and Competition Act of 1992".

SEC. 2. FINDINGS; POLICY; DEFINITIONS.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Pursuant to the Cable Communications Policy Act of 1984, rates for cable television services have been deregulated in approximately 97 percent of all franchises since December 29, 1986. Since rate deregulation, monthly rates for the lowest priced basic cable service have increased by 40 percent or more for 28 percent of cable television subscribers. Although the average number of basic channels has increased from about 24 to 30, average monthly rates have increased by 29 percent during the same period. The average monthly cable rate has increased almost 3 times as much as the Consumer Price Index since rate deregulation.

(2) For a variety of reasons, including local franchising requirements and the extraordinary expense of constructing more than one cable television system to serve a particular geographic area, most cable television subscribers have no opportunity to select between competing cable systems. Without the presence of another multichannel video programming distributor, a cable system faces no local competition. The result is undue market power for the cable operator as compared to that of consumers and video programmers.

(3) There has been a substantial increase in the penetration of cable television systems over the past decade. Nearly 56,000,000 households, over 60 percent of the households with televisions, subscribe to cable television, and this percentage is almost certain to increase. As a result of this growth, the cable television industry has become a dominant nationwide video medium.

(4) The cable industry has become highly concentrated. The potential effects of such concentration are barriers to entry for new programmers and a reduction in the number of media voices available to consumers.

(5) The cable industry has become vertically integrated; cable operators and cable

programmers often have common ownership. As a result, cable operators have the incentive and ability to favor their affiliated programmers. This could make it more difficult for noncable-affiliated programmers to secure carriage on cable systems. Vertically integrated program suppliers also have the incentive and ability to favor their affiliated cable operators over nonaffiliated cable operators and programming distributors using other technologies.

(6) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media.

(7) There is a substantial governmental and First Amendment interest in ensuring that cable subscribers have access to local noncommercial educational stations which Congress has authorized, as expressed in section 396(a)(5) of the Communications Act of 1934. The distribution of unique noncommercial, educational programming services advances that interest.

(8) The Federal Government has a substantial interest in making all nonduplicative local public television services available on cable systems because—

(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of \$10,800,000,000 since 1972, that provides public service programming that is responsive to the needs and interests of the local community;

(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than \$3,000,000,000 in public broadcasting since 1969; and

(D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

(9) The Federal Government has a substantial interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals is necessary to serve the goals contained in section 307(b) of the Communications Act of 1934 of providing a fair, efficient, and equitable distribution of broadcast services.

(10) A primary objective and benefit of our Nation's system of regulation of television broadcasting is the local origination of programming. There is a substantial governmental interest in ensuring its continuation.

(11) Broadcast television stations continue to be an important source of local news and public affairs programming and other local broadcast services critical to an informed electorate.

(12) Broadcast television programming is supported by revenues generated from advertising broadcast over stations. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

(13) As a result of the growth of cable television, there has been a marked shift in market share from broadcast television to cable television services.

(14) Cable television systems and broadcast television stations increasingly compete for television advertising revenues. As the proportion of households subscribing to cable television increases, proportionately more

advertising revenues will be reallocated from broadcast to cable television systems.

(15) A cable television system which carries the signal of a local television broadcaster is assisting the broadcaster to increase its viewership, and thereby attract additional advertising revenues that otherwise might be earned by the cable system operator. As a result, there is an economic incentive for cable systems to terminate the retransmission of the broadcast signal, refuse to carry new signals, or reposition a broadcast signal to a disadvantageous channel position. There is a substantial likelihood that absent the reimposition of such a requirement, additional local broadcast signals will be deleted, repositioned, or not carried.

(16) As a result of the economic incentive that cable systems have to delete, reposition, or not carry local broadcast signals, coupled with the absence of a requirement that such systems carry local broadcast signals, the economic viability of free local broadcast television and its ability to originate quality local programming will be seriously jeopardized.

(17) Consumers who subscribe to cable television often do so to obtain local broadcast signals which they otherwise would not be able to receive, or to obtain improved signals. Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. The regulatory system created by the Cable Communications Policy Act of 1984 was premised upon the continued existence of mandatory carriage obligations for cable systems, ensuring that local stations would be protected from anticompetitive conduct by cable systems.

(18) Cable television systems often are the single most efficient distribution system for television programming. A Government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the "A/B" input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

(19) At the same time, broadcast programming that is carried remains the most popular programming on cable systems, and a substantial portion of the benefits for which consumers pay cable systems is derived from carriage of the signals of network affiliates, independent television stations, and public television stations. Also cable programming placed on channels adjacent to popular off-the-air signals obtains a larger audience than on other channel positions. Cable systems, therefore, obtain great benefits from local broadcast signals which, until now, they have been able to obtain without the consent of the broadcaster or any copyright liability. This has resulted in an effective subsidy of the development of cable systems by local broadcasters. While at one time, when cable systems did not attempt to compete with local broadcasters for programming, audience, and advertising, this subsidy may have been appropriate, it is so no longer and results in a competitive imbalance between the 2 industries.

(20) The Cable Communications Policy Act of 1984, in its amendments to the Communications Act of 1934, limited the regulatory authority of franchising authorities over cable operators. Franchising authorities are finding it difficult under the current regulatory scheme to deny renewals to cable systems that are not adequately serving cable subscribers.

(21) Cable systems should be encouraged to carry low-power television stations licensed to the communities served by those systems