

and through this week, followed by a number of issues this week. We will begin the appropriations process very quickly and spend a focused period of time on prescription drugs and strengthening and improving Medicare.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 1 p.m. with the time equally divided between the two leaders or their designees.

The Senator from Wyoming.

ENERGY

Mr. THOMAS. Mr. President, although it is morning business, I will talk about the energy policy we will be considering later today and for the rest of the week. I am delighted we are going to work on that. We have been working on an energy policy for some time. We worked on it last year and passed it in the Senate and the House. Unfortunately, the system we used did not produce results and did not go through the committees; therefore, we had problems when we got to the conference committee.

This year, we are back again and more committed to complete our work than we were last year. We should be. When we think about life, work, and the economy, what is more important than energy? Whatever we are doing, wherever we are, whether we are driving, riding, reading, cooking, energy is consumed. It is certainly something we need to think about, how it affects our lives and what impact we can have on energy.

What we are talking about is an energy policy. It is important to remember that. We are not talking about an issue that needs to be resolved, a part of the energy issue that needs to be resolved this week or this month. We are talking about an energy policy. As we talk about it, I am hopeful we can try to see a vision of where we want to be in the future, what is necessary to be successful in the future, and that we can set this policy in terms of what we need to do 10 or 15 years from now. As we move toward that and make immediate decisions we can gauge whether or not these decisions are useful in achieving the goals we have set for ourselves. I think it is very important that we take a look at all the aspects of energy. We have gotten ourselves into a position where we have to rely about 60 percent on imports of oil from an area in the world that is very unsettled. So I think it is important that we take a look at conservation, that we

look at alternatives, that we look at research, that we look at domestic production, so we can find a policy for the future.

As you will recall, one of the first things President Bush and Vice President CHENEY moved toward when they came into office was to set an energy policy, to begin to look ahead at what we need to be doing. They still, of course, are very involved in that.

To achieve the kind of lifestyle we want in the 21st century, we have to have reliable energy and a clean environment. These two needs are not necessarily conflicting. We have to deal with them so they do fit together. They can.

We need to modernize conservation. We obviously use more energy than is necessary. Sometimes we could make those changes just by our use. We can make changes by using different kinds of equipment.

We need to modernize our infrastructure. Energy production has changed over the years, whether it is gas that is produced in the West and the markets are in the Midwest or in the East, where you have to have a way to get it there. We see more and more energy produced by merchant generators, ready for markets a good ways away from the generator, where you have to have transmission.

We have to increase our supplies. We are going to be using more and more energy, of course. That includes renewables. Excluding hydro, now renewables only amount to about 3 percent of our total energy use. That is not very much. There are great opportunities to do more.

As we do it, we need to upgrade and increase our improvements for the protection of the environment.

Of course, the thing that has become much more apparent to us lately is the need for security. So as we talk about energy, we have to look at security. We have to achieve energy independence for our economy. Certainly we will feel much more comfortable if we are less reliant on importing what we use. Oil and fossil fuels produce about 85 percent of the energy used in the United States. As I said, if you include hydro, then renewables get up to about 7 percent, but it is still a relatively small amount. There is more we can do about that.

We have needed a policy. I come from a State that is sort of a foundation for much of the energy we use, particularly fossil fuels, gas and coal. Wyoming is a place where there is a great deal of that. We are third in the Nation in coal reserves. We provide 14 percent of U.S. coal. We rank seventh in oil production. We have reserves as well for oil and gas. So we have to do some things a little differently than we have.

For instance, coal is our largest resource of fossil fuel. If we are going to use it increasingly, as I think we should, particularly for the generation of electricity, then we need to continue to work to make it clean. We need to

have clean air. We need to have clear skies. We can produce cleaner-burning coal or in some instances we are looking at ways where perhaps you take coal and produce hydrogen. That makes it a little easier to transport. It makes it cleaner. Those are things we have to look forward to, and that we can do.

Regarding the carbon that escapes into the air, we are looking at ways of carbon sequestration, putting it back in the ground. We can do that. But we have to have more experiments; we have to have more research. We have to have goals as to where we are going.

In terms of infrastructure, I mentioned if you are going to move electricity, you have to have transmission. I understand that often transmission is not what people like to have in their backyards. Nevertheless, it has to be there. We had a good example of the problems with that in California a couple of years ago, where you knew the demand was there, the supply was somewhere else, and you had to get it to the market.

As I mentioned, our attempt last year to move into some of these areas did not succeed. We did not go through the process as we have this year. We have had hearings. We have had committees. I thank Senator DOMENICI for keeping us on the right track to do that.

So what kind of policy? We need to have some fuel diversity. We need to have different kinds of fuel. We are looking at hydrogen; I suppose we are looking at solar; we are looking at wind power. Many of those are available but, frankly, they are not economical at this time. We have to do that. We have to strike a balance, as we move forward, with the environment.

So there is much that can in fact be done. In this energy policy we will be considering, we have a title on coal. That is mostly to do some experiments on how that can be used cleaner or how it can be transformed. We are going to do something with Indian energy so the reservations can produce more energy than they have in the past.

Some people kind of freeze up when you talk about nuclear energy. The fact of the matter is, in some States, 30 percent of their electricity currently is generated by nuclear. It is probably the cleanest fuel we have. We have to work on the storage of the waste from nuclear, of course.

We have great opportunities to do some things with renewable energy. I think we need to be a little careful in setting mandates that we are going to be at a certain place at a certain time because that can turn out to be very expensive and difficult.

Regarding fuel efficiency, we can work on that in cars or whatever, and make them much more efficient than we have now.

I mentioned hydrogen. The President indicated he thinks hydrogen is one of our best opportunities for a movement

of alternative fuels. He has put money in his budget for hydrogen work.

I am very hopeful that we do commit ourselves to coming up with some solutions with regard to energy policy. I am a little concerned it is sort of on the base here and we will be moving off to other matters. I hope in this 2-week period this becomes our highest priority, that we continue to stick with it until we have accomplished the goal we set out to accomplish, and that is to have an energy policy for the Senate.

Second, I hope it can be a policy, not a great number of details, but a view in the future as to where we are going to be, and then do the things that are necessary for us to get there.

I am delighted we are going to be moving forward in this area.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEDIA OWNERSHIP

Mr. DORGAN. Mr. President, this morning the Federal Communications Commission made some decisions I think were wrong-headed and counter-productive for this country. I would like to describe them just for a moment.

The Federal Communications Commission, by a vote of 3 to 2, decided to change in a dramatic way the ownership rules with respect to broadcast stations and newspapers around this country—radio, television, newspapers. Let me describe where we may end up as a result of the FCC decisions.

As a result of what the FCC has decided today, it is likely that in the largest markets of our country, the same company will own the newspaper, three television stations, the cable company, and eight radio stations.

I can't think of anything more destructive to the interests of localism and to the interests of diversity, both of which are hallmarks of what we aspire to have in American broadcasting, and the free flow of information and diversity of information in this democracy of ours.

I don't understand why the FCC made this decision. The majority of the members of the Senate Commerce Committee signed a letter asking the FCC to delay and provide their recommendations to us first so we could perhaps have a hearing and discuss it with them. But they didn't do that. The first anyone knew of the specific recommendations was this morning at about 10 o'clock. There were somewhere close to 500,000 communications from the American people to the FCC saying don't do this. Instead, the FCC took this action. They say they took

this action because there are more voices, there are more outlets and more diversity; therefore, the old rules with respect to ownership are outmoded and old-fashioned.

That is simply not the case. Ninety percent of the top 50 cable stations are owned by the top handful of the broadcasters. Twenty-five of the top Internet sites are owned by the same companies. In terms of diversity of thought in terms of where you get your news, it all comes from the same source—many voices, one ventriloquist.

Is that in the public interest? In my judgment, the answer is no. The FCC held only one hearing in Richmond, VA, and the rest of their work was done largely in secret.

There is a history to some of this. The FCC today said that one ownership group should be able to broadcast to 45 percent of the Nation's audience. It is actually going to be much more than that because they have a rule that counts UHF stations and only 50 percent of the stations.

It is a complex system. But it is 45 percent of the national audience. It used to be 25 percent. In 1996, a piece of legislation—the Telecommunications Act—came to the floor of the Senate taking that 25 percent to 35 percent. I offered an amendment at that point to restore the 25-percent limit; take the 35 percent out of the bill and restore the 25-percent limit. We had a vote. The proponent on the other side in support of the 35 percent was Senator Dole from Kansas, a pretty aggressive competitor, as a matter of fact. We had a vote and I won. I was dumbfounded. I had no idea I would win. But I won by, I think, three or four votes. That was about 4 in the afternoon when we considered the act in 1996.

On that same day, at about 7:30 in the evening, we had another vote because Senator Dole was cagey enough to have another Senator change his vote, and then we came back after dinner and had a vote on reconsideration. Apparently, three, four, or five Senators had some sort of epiphany over dinner. I lost. I have no idea what they had for dinner, or who talked to them, or how far their arms were bent. But I won that vote for about 4 hours, and then I lost.

The result has been that for 7 years we have had a 35-percent ownership cap with respect to a broadcasting company broadcasting television signals across the country, providing that there is a limit on broadcast stations—that you can't go over 35 percent of the national audience.

Now the FCC this morning said they are taking that to 45 percent. They are eliminating the ban on cross-ownership between newspapers and television stations. This weekend one of the large newspaper chains was reported in a story that I saw to have said, Look, we intend to buy a television station in every city in which we have a newspaper. We intend to do that.

I don't doubt it.

Another story which I read this weekend talked about the plan of one of the large broadcasting enterprises and all the deals they had lined up anticipating the FCC was going to do what they wanted them to do. They have deal after deal. They are going to start. There will be an orgy of concentration and mergers that start almost immediately.

What I would like to say to all of those who are now celebrating the FCC's decision today is that Congress will have another bite at this. There are many ways to do it.

No. 1, we have a Congressional Review Act which is a form of legislative veto dealing with rules that we don't like. It has been used rarely. But I think it should be used in this circumstance; it would provide a vote here in the Congress, up or down, on this rule.

There are other approaches. Several of my colleagues—the Presiding Officer is one—have introduced legislation restoring the 35-percent cap. That is a bipartisan piece of legislation cosponsored by Republicans and Democrats in the Senate. Of course, there is always the timeline tradition of, if everything else fails, attempting to legislate on an appropriations bill.

But my point is this: I don't think the FCC decision this morning should be considered the last and definitive word. My own personal view is that I hope we will attempt a form of "legislative veto" which is provided for in law. But there will be attempts to overturn much of this decision.

It makes no sense to me that we will have decided through a regulatory agency not to do effective regulation on behalf of the American public, and to say, oh, by the way, concentration is not a bad thing. Let us just allow in one big American city the same company to buy the cable company, buy three TV stations, eight radio stations, buy up the cable system, and buy the newspaper. It makes no sense to me that a Federal regulatory body ought to do that.

I very much regret what the FCC did this morning. In the review mirror, this will be seen as a terrible decision that marches this country backward and not forward, and one that will well satisfy those who have billions at stake because they have lobbied very hard to have this kind of decision come from the FCC but one, in my judgment, which will detract from the interest of localism. Those big enterprises win and American communities lose. Who is going to broadcast basketball games? Who is going to broadcast the local baseball games?

The fact is, we have had some experience with concentration in the media in recent years—since 1996—and it isn't working. We are destroying localism and destroying diversity. I think this Congress needs to weigh in now and deal with the FCC.