TELECOMMUNICATIONS/Television Ownership (see vote Nos. 254-255)

SUBJECT: **Telecommunications Competition and Deregulation Act of 1995 . . . S. 652. Dorgan modified amendment No. 1278.**

ACTION: AMENDMENT AGREED TO, 51-48

SYNOPSIS: As reported, S. 652, the Telecommunications Competition and Deregulation Act of 1995, will amend telecommunications laws and reduce regulations in order to promote competition in the telecommunications industry by eliminating barriers that prevent telephone companies, cable companies, and broadcasters from entering one another's markets. It will also permit electric utilities to enter the cable and telephone markets. Judicial control of telecommunications policy, including the "Modified Final Judgment" regime, will be terminated.

The Dorgan modified amendment would strike section (207)(b)(1), which will change from the current 25 percent to 35 percent the percentage of the television market that any one entity may reach through ownership of multiple television stations, and which will eliminate the current 12-station ownership limit on television stations for any one entity. In lieu thereof, it would provide that the FCC would modify or remove local ownership rules as they apply to television broadcasters to the extent necessary to allow them to compete fairly, while at the same time making sure that the public receives information from a diversity of media sources and local information.

NOTE: Senator D'Amato switched his vote from "nay" to "aye" because only Senators on the prevailing side of a vote may move to reconsider a vote. See vote Nos. 253-254.

Those favoring the amendment contended:

The purpose of S. 652 is to promote competition. The first thing that is needed to promote competition is competitors. The Dorgan amendment would strike one section of this bill that is designed to reduce the number of competitors. That section will eliminate the restriction on the number of television stations that any one entity can control, and it will raise the total national marketshare limit

(See other side)

YEAS (51)			NAYS (48)			NOT VOTING (0)	
Republicans (13 or 25%)	**Democrats (38 or 83%)**		**Republicans (40 or 75%)**		**Democrats (8 or 17%)**	**Republicans (0)**	**Democrats (0)**
Campbell	Akaka	Johnston	Abraham	Kempthorne	Breaux		
D'Amato	Baucus	Kennedy	Ashcroft	Kyl	Bryan		
DeWine	Biden	Kerrey	Bennett	Lott	Ford		
Domenici	Bingaman	Kerry	Bond	Lugar	Hollings		
Faircloth	Boxer	Kohl	Brown	McCain	Inouye		
Gorton	Bradley	Lautenberg	Burns	Murkowski	Moynihan		
Grams	Bumpers	Leahy	Chafee	Nickles	Nunn		
Grassley	Byrd	Levin	Coats	Packwood	Robb		
Hatfield	Conrad	Lieberman	Cochran	Pressler			
Helms	Daschle	Mikulski	Cohen	Roth			
Kassebaum	Dodd	Moseley-Braun	Coverdell	Santorum			
McConnell	Dorgan	Murray	Craig	Shelby			
Thomas	Exon	Pell	Dole	Simpson			
	Feingold	Pryor	Frist	Smith			
	Feinstein	Reid	Gramm	Snowe			
	Glenn	Rockefeller	Gregg	Specter			
	Graham	Sarbanes	Hatch	Stevens			
	Harkin	Simon	Hutchison	Thompson			
	Heflin	Wellstone	Inhofe	Thurmond			
			Jeffords	Warner			

VOTING PRESENT(1)
Mack

EXPLANATION OF ABSENCE:
1—Official Buisiness
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

from the current 25 percent to 35 percent. The result will be a severe restriction on the information and entertainment that is available to Americans, and local interests will be subject to greater coercion from large national interests. In the end, the United States will be left with six to eight large corporations controlling the entire television market.

Stations that are currently owned by the networks do not devote much time to local issues or local programming. Local sports, religious programming, and local news, to name three areas, receive short shrift. Further, the editorial content in both news and entertainment programming follows the networks' dictates. Allowing a concentration in a communications market results in a monopoly on information and opinion. Concentrations can occur by edict, as they occur under totalitarian regimes, or they can occur by market forces, as has happened with newspapers in many cities in America. Across America, as some papers have achieved economies of scale in printing and marketing, they have managed to gain monopoly status. Whether the one viewpoint presented comes from *Pravda* or from the sole (and typically very liberal) remaining newspaper in an American city, the same result is censorship. In a democracy, such a stranglehold on news and opinion is extremely dangerous.

Communities have a right to have their own values reflected on their local television stations. What they have a right to see should not be dictated by a few behemoth organizations. We support deregulation of the telecommunications industry because we recognize that market changes have made it no longer necessary to run it as an oligopoly; technological advances, in cable, in direct broadcasting, in wireless cable, and in other areas have made it possible for many new competitors to provide services. These deregulatory efforts, though, should be structured so as to increase competition. Simply because new markets are coming into existence does not mean that we should support market concentrations in existing markets. The public is better served where competition is promoted.

We are not totally opposed to removing the restrictions on television ownership. The FCC is studying this issue, and we are generally disposed to accept the FCC's judgment. In our opinion, the FCC has admirably represented the public's interest for the past 60 years. We cannot support this bill's assumption that allowing much greater concentration in television broadcasting will not harm the public interest. Therefore, we urge our colleagues to support the Dorgan amendment.

Those opposing the amendment contended:

Our colleagues tell us that the first thing that is needed to compete is competitors. In response, it does not do much good to have competitors who are barred by law from competing. The sole effect of the current television ownership restrictions is to restrict competition. When television was the only visual medium available for most Americans, regulations to make sure that a handful of national entities did not control it were enacted. Those controls are increasingly anachronistic. Most Americans have access to or will soon have access to a variety of viewing options, including commercial television, public television, cable television, dial video, satellite dish reception, direct broadcast satellite, SMATV services, and wireless cable. Other advances such as interactive television are also on the horizon. When the variety of programming that is available to most Americans has increased by several-fold due to rapid expansion of technologies in the free market, it is not very plausible to argue that allowing the free market to operate in the television industry will restrict viewing choices. Americans, if they wish, can now watch exclusively local news or sports shows, religious programming, or programming on virtually any topic and of any particular viewpoint that they wish. Lifting restrictions on broadcast ownership will not harm this diversity; it will only make it possible for broadcasters to compete on a more equal footing with their competitors. The Dorgan amendment would retain the current ownership restrictions. Therefore, we urge its rejection.