

use of their facilities by spammers, those policies should be enforced, and our legislation provides the mechanism for the enforcement.

Our legislation also makes it a criminal offense intentionally to falsify Internet domain, header information, date or time stamps, originating e-mail addresses or other e-mail identifiers or intentionally to sell or distribute any computer program which is designed or produced primarily for the purpose of concealing the source of routing information of bulk unsolicited electronic mail. This provision strikes at the practice of bulk e-mailers who through the use of specially designed software change the origination information in e-mail messages as each small cluster of messages is sent. That practice is used to defeat the blocking software of Internet Service Providers which deflects from their facilities large volumes of messages originating from a single source.

The legislation will encourage electronic commerce by giving full authorization to properly authenticated electronic signatures. A variety of laws require a written document with a written signature for the enforceability for certain kinds of contracts. Our legislation will give full legal effect to contracts constructed online and prevent either party from disavowing the contract due to the absence of a physical written signature, if the identity of the contracting parties is properly authenticated and if certainty is created that the text of any document they construct has not been changed. The legislation sets forth specifics for obtaining that authentication.

We propose to create a new right of privacy for Internet users. In response to the growing practice of web site operators of collecting information from web site users either directly through a registration form or indirectly through the implantation of a "cookie" on the user's hard disk, the legislation requires that all web site operators post their information collection and use policies in a conspicuous manner so that web site users will be informed of the information collected and the use to which that information is put and have an opportunity to exit the web site without any information being collected if the visitor objects to that collection and use of information. The provision will be enforced by the Federal Trade Commission.

Finally, we propose to assure that all Americans retain complete freedom to select the Internet access provider of their choice. As the Internet has grown and developed, most Americans have connected to the Internet over telephone lines. While the telephone company has provided the transport, everyone has been free to select the company that will provide the Internet access. Even in instances where telephone companies offer both transport and Internet access services, the law has protected the right of the telephone company's customers to select an Internet access provider other than the telephone company.

Unfortunately, as the cable industry begins the deployment of cable modem services, a different model is being pursued. At the present time, there is no federal law restricting the ability of cable companies to package their transport services and their affiliated Internet access services and require that customers purchasing high-speed transport also purchase the cable company's affiliated Internet access service. The largest cable multiple system operators are, in fact, bundling transport with Internet access and requiring that the af-

filiated Internet access services be purchased by cable modem customers.

There are more than 2,000 Internet access providers nationwide. The vast majority of the ISPs are startup companies who have brought a new level of entrepreneurship to the telecommunications industry. Many of them will become the competitive local exchange carriers who will offer competition not only in the provision of Internet access, but in the offering of local telephone service and other telecommunications services as well. They will be important contributors to the competitive local exchange industry we envisioned when we wrote the Telecommunications Act of 1996.

But these ISPs are severely threatened by the deployment by cable television companies of broadband Internet transport connections which also bundle affiliated Internet access services. The broad bandwidth of these services will surely attract a large clientele, much of which will be the existing customer base of independent ISPs.

If the cable television companies are permitted to force their cable modem customers to purchase their affiliated Internet access services as a condition of subscribing to their high speed transport service, many independent ISPs will be foreclosed from a large portion of their existing customer base and from market growth opportunities. The legislation we are offering today assures that this anticompetitive practice will not occur and that all Internet transport platforms in the future will be open, much as telephone company transport platforms are open today.

I am pleased to be participating on a bipartisan basis with Representative GOODLATTE in offering this legislation, the enactment of which will assure that the Internet more rapidly achieves its potential to be the multimedia platform of choice for the delivery of voice, video and data.

#### THE INTRODUCTION OF THE INTERNET FREEDOM ACT OF 1999

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 1999*

Mr. GOODLATTE. Mr. Speaker, I rise today to announce the introduction of the Internet Freedom Act of 1999. This bipartisan legislative initiative, which I am introducing along with Congressman BOUCHER of Virginia, addresses the challenge that face the Internet by building on the strengths that have made the Internet the major engine of growth and development in the new Information Age. The legislation ensures that the qualities that have provided the explosive growth of the Internet in recent years will continue into the new millennium. The initiative addresses the crucial challenges currently facing the Internet and its future: providing freedom from burdensome government regulation, ensuring consumer choice through open competition, and protecting consumer-friendly open access to the Internet.

The Internet is currently at a crossroads. One path continues to encourage the principles mentioned above: freedom, competition, and consumer choice. The other path, which is looming on the horizon, is characterized by heavy government regulation, limited competition, higher prices and less choice for con-

sumers. Following this path could mean that any company with market power can restrict the ability of businesses to compete on the Internet, and the ability of consumers to access the Internet provider and content of their choice could be subject to the control of a single company. The Internet as we know it—open, competitive, and easily available to consumers—will cease to exist. That path, unfortunately, is the one we are following now.

Congress must act now to ensure that the qualities that made the Internet a revolutionary tool for both business and users—deregulation, competition, and easy consumer access—remain fundamental components of the Internet for future generations. The Internet Freedom Act accomplishes this by achieving three goals.

The first goal of the Internet Freedom Act is deregulation: the bill gets the FCC out of the business of regulating the Internet. It accomplishes this by eliminating existing FCC regulations that are inhibiting the development and rollout of certain types of broadband Internet service in non-urban and rural areas.

Broadband technology is up to twenty times faster than the old modems used for Internet access, and can be compared to the old "T-1" telephone lines offered for \$1,000 a month, but at a fraction of the cost. In some areas, it is now possible to obtain broadband Internet service, in a variety of forms, for as low as \$40 a month. The development of broadband technology has the potential to not only make fast Internet access available to consumers and small businesses, but to make it affordable as well.

The FCC is currently ignoring its responsibility under the Telecommunications Act of 1996 to provide regulatory relief to incumbent phone companies by removing existing regulations on data traffic that were originally intended to encourage competition in voice traffic. The FCC regulations currently prohibit the incumbent phone companies from competing in the Internet backbone market. The "backbone" is the very high speed, high capacity lines that crisscross the country linking major cities. Existing suppliers of Internet backbone are simply unable to keep up with the demand for high speed, high capacity backbone bandwidth. They also have little incentives to invest in many parts of the country that are far away from the main backbone routes. Our legislation would allow local phone companies into the backbone market, increasing competition and lowering prices for businesses and consumers.

In addition, many areas of the country are located far from these backbone pipes (often but not exclusively in rural areas). Traffic from these areas must be hauled to the closest backbone connection point (often miles away) and the connections used for this are of much smaller capacity than those on the backbone. More backbone investment will mean that more facilities will eventually become available in more places than ever before. Local phone companies and others may be able to justify building major connection points to the Internet in more locations, allowing traffic to be aggregated by ISPs and encouraging the build-out of more connections closer to customers. This will make it possible for more customers to be able to access the Internet without being required to make a long distance call.

The second goal the Internet Freedom Act accomplishes is freedom of competition: One

of the main goals of the Telecommunications Act was to open the local phone markets to competition to ensure non-discriminatory access and safeguard against anti-competitive behavior. However, certain networks unaffected by the Act remain closed to competitors and other closed networks could be just around the corner. Under this scenario, a consumer who wants high-speed broadband service, whether by cable, satellite, or copper wire, would be forced to buy it from their access provider's ISP. If they wanted service from AOL or another ISP, they would either not be able to receive it or would essentially have to pay twice.

A closed network also provides undue leverage over Internet content, since one company would possess the ability to give content providers preferential access to their "hostage" customers. This ability to leverage its monopoly vertically can curtail competition and innovation in the content market and raise prices for such information or programs. It could also limit the variety and availability of content that has made the Internet so successful.

This legislation preserves competition among broadband Internet providers without involving the heavy-handed bureaucracy of the FCC. The bill achieves this goal by giving a private right of action to ISPs who have been unable to compete fairly against other ISPs by broadband transport providers. For example, if a company limits the ability of an ISP to offer its services over their facilities on the same terms and conditions that the cable company offers to another ISP, the first ISP would be able to seek relief in the courts.

The section also preserves competition among ISPs by using existing antitrust law. Under this section, evidence in a civil action that a broadband access transport provider with market power has limited the ability of an Internet service provider to compete in the ISP marketplace would be presumed to have violated the Sherman Act. This section recognizes that each type of broadband transport provider technology is unique, whether two-way cable, copper wire, sport-beam satellite or wireless transmission. Each technology is recognized under this bill as a separate type of broadband market, and therefore providers cannot under current antitrust law abuse that power to limit the competitive marketplace of Internet service providers.

The second section would also ensure openness and competition among broadband Internet transport providers by ensuring that the same rules apply to the incumbent phone companies, which are already required to open their networks to ISPs. In return for removing rate and price regulations on data traffic for local phone companies after meeting certain rollout requirements, this section would presume a Sherman Act violation if the phone company failed to make its "local loop" available to other carriers who wanted to compete in the provision of DSL broadband technology.

Finally, the Internet Freedom Act encourages open consumer access for consumers by making the Internet a more user-friendly environment. The third section addresses the problem of illegal mass e-mail, also known as "spamming." This section would make it a federal crime for a person to knowingly use another person's Internet e-mail address, or "domain name," to send unsolicited mass e-mails. The penalty for violating the section would be the actual monetary loss and damages of

\$15,000 per violation or up to \$10 per message, whichever is greater.

The principles of free-market competition, low government regulation, and open consumer access have guided the growth of the Internet. If this growth is to continue, we must ensure that public policy reflects the best interests of the consumer. The environment that has nurtured the early growth of the Internet must be preserved and strengthened to spur continued innovation and ensure that the Internet and information-based economy continue to flourish. But, there are several inefficiencies currently in the marketplace that could stifle the continued development and innovation of the Internet and the growth of our economy. We must fix these problems now, before they require heavy-handed regulations that slow down the Internet, drive up costs, hinder consumer access to information, and cause this engine of potential economic growth and future prosperity to sputter and fail.

#### CONGRATULATING FRESNO RESCUE MISSION ON THEIR 50TH ANNIVERSARY

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Fresno Rescue Mission on occasion of its 50th anniversary, and its plans for expansion. The mission has long served the homeless and downtrodden of Fresno.

The Rescue Mission began in 1949 as a non-profit religious organization to be an arm of the churches of Fresno County. Over the past 50 years, the mission has been open 24-hours-a-day 365-days-a-year helping the destitute of Fresno, with three meals a day, shelter, clothing, bedding, appliances and furniture, all free of charge.

Though it began as a "men only" organization, over the years, the mission has progressed to helping families who are in need of emergency shelter. The mission works with the Fresno County Department of Human Social Services in "Rescue the Children/Craycroft Youth" a collaborative effort to service, abused, neglected and abandoned children.

There is also a year-long live-in recovery program for men with various dependency problems. After completion of the program, a transition home provides housing, and employment as staff members of the mission. At the home, men are encouraged to save their money so they can be reunited with their families, or be able to afford their own housing.

Most important to the mission is its primary purpose, to provide love, and bring the Gospel of Jesus Christ to those who have nothing left in this world. In front of the mission building hangs a sign which reads, "If you don't have a friend in the world, you will find one here."

Mr. Speaker, I rise today to congratulate the Fresno Rescue Mission on the occasion of its 50th anniversary. The services provided are a boon to the community, and a blessing to those in most need. I urge all of my colleagues to join me in wishing the Fresno Rescue Mission many years of continued success.

TRIBUTE TO JERRY ZREMSKI

**HON. THOMAS M. REYNOLDS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 1999*

Mr. REYNOLDS. Mr. Speaker, I rise today to honor the achievements of one of Capitol Hill's most hard-working and talented reporters.

As a member of the Washington Bureau of The Buffalo News, Jerry Zremski's Washington dispatches are an important and invaluable source of information for my constituents on the activities of this Congress.

Jerry was recently named a Nieman Fellow at Harvard University, a prestigious honor afforded to only 12 journalists throughout the United States of America. Jerry will begin his fellowship at Harvard in the fall, at the world's oldest mid-career fellowship program for journalists.

A graduate of Syracuse University, where he earned a bachelor's degree in journalism, and American University, where he received his Master's Degree in Political Science, Jerry Zremski has distinguished himself in his profession, and I ask that this House of Representatives join me in honoring Jerry's achievement in earning the Nieman Fellowship at Harvard University.

#### HONORING THE RETIREMENT OF CARMEL CASABONA AFTER 20 YEARS OF DEDICATED SERVICE

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 5, 1999*

Mr. DeLAURO. Mr. Speaker, tonight we celebrate Carmel Casabona, who retired from Area Cooperative Educational Services (ACES) on January 22, 1999 after 20 years of dedicated service. As a committed vocational education teacher with ACES' Secondary Program and later as a Job Coach with the ACCESS program, she has worked tirelessly to assist adult clients with disabilities, and engage them in their community. It is with tremendous pleasure that I rise today to salute this incredible woman, who has been a dear friend to me and has contributed so much to the Greater New Haven area.

For more than two decades, ACES has been a crucial source of support and assistance for people with a range of disabilities. Many individuals have benefitted from the nurturing, caring environment, and innovative approach that ACES offers. From employment opportunities to residential skills, this institution is an invaluable resource for the disabled. Carmel certainly reflects these goals.

Carm's long career with ACES is characterized by a lifetime of dedication to her adult clients. Although supervising 28-30 clients, Carm carefully assessed each person's abilities, and chose the appropriate work experience. By focusing on each individual's specific needs, she has helped her clients reach their full potential, while providing positive reinforcement. She also offered each participant increased independence, encouragement and dignity.

Aside from her daily work responsibilities, Carm offered her personal time in organizing