

September is Childhood Cancer Month. Unfortunately, the incidence of cancer among children in the United States is a growing problem. It is estimated that this year 12,400 children will be diagnosed with cancer, and 2,300 children will die from this dread disease. In fact, cancer is the leading cause of death by disease in children under age 15.

Our colleagues on the Appropriations Subcommittee on Labor-HHS-Education have recognized the seriousness of the problem of cancer by increasing the appropriation for the National Cancer Institute over the past five years from \$2.761 billion to \$3.793 billion for FY 2001. Despite this increase, we still hear that opportunities for childhood cancer research remain unfunded or underfunded. For this reason, it appropriate for us to consider this resolution.

It is important to increase the resources directed toward childhood cancer research. Children are amazingly resilient and can often tolerate higher doses of experimental drugs. Therefore, clinical trials on children can offer insights on the treatments of all cancers.

From personal experience, I know of the dedication of the doctors, nurses, and other medical personnel who treat children with cancer, and of the researchers who have devoted their lives to finding cures. With significant advances such as completing the mapping of the human genome, I think that we are on the verge of a new understanding of how cancer develops and how it can be cured. Childhood cancer is a problem that can be conquered.

Mr. REYNOLDS. Mr. Speaker, ask anyone you know or even someone you pass on the street if they know someone who has cancer and nearly every single person will respond with a heart-wrenching "Yes." Today I come before my colleagues on both sides of the aisle to ask for their support in helping the littlest cancer warriors—children.

Anthony Peca is a grandfather from my district who recently lost his granddaughter, Catie, to cancer. Catie had neuroblastoma and was denied access to a clinical trial. She fought valiantly like only a child can, but in the end the cancer overcame her. And now, Anthony Peca and his family are left with a hole in their hearts, knowing from experience that eight years old is too young to die.

According to the National Childhood Cancer Foundation, cancer kills more children than any other disease. Each year cancer kills more children than asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS, combined. In recent years, cancer research has made leaps and bounds in progress, yet the incidence of cancer among children in this country is rising almost 1 percent per year. The research is simply not keeping up. And children are suffering because of it.

And it's not just the disease itself that exacts such a heavy toll. How much do families suffer emotionally and financially? How do we rebuild a child's youthful spirit and innocence once it has been shattered by the disease inside them? There isn't a medicine strong enough to mend the soul of a child.

That's why this resolution is so important. Thanks to the tireless and courageous efforts of Congresswoman DEBORAH PRYCE, Congress has the opportunity to address childhood cancer awareness, treatment, and research. We have the power to encourage both the public and private sectors to conduct research, expand medical education, and open

up more clinical trials to children. Childhood should be something that you grow out of, not something that gets ripped out from underneath you.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of House Resolution 576, which expresses Congress' advocacy for improved efforts to battle childhood cancers.

Every one of us has a friend or family member who has fought or is fighting a personal battle with cancer. We have colleagues who show us daily the strength that comes from living with cancer and recovering from its effects. But nothing touches our hearts more than a child stricken with this devastating disease, and no one has shown us courage like our colleagues, DEBORAH PRYCE, whose young daughter succumbed to cancer only a year ago.

It is in her memory and for the 46 children who will be diagnosed with cancer today and every school day that we must pass this resolution. Innovative research and aggressive treatment have improved the odds that these children will live longer, happier lives.

In fact, 70 percent of children diagnosed today will be alive 5 years from now. By passing this resolution, and standing firmly behind its call, we can give the other 30 percent hope and a future.

Mr. BURR of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and agree to the resolution, House Resolution 576.

The question was taken.

Mr. BURR of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. Pursuant to the order of the House of September 26, 2000, this is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

KNOW YOUR CALLER ACT OF 1999

The Clerk called the bill (H.R. 3100) to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

The Clerk read the bill, as follows:

H.R. 3100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Know Your Caller Act of 1999".

SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in making any telephone solicitation, to interfere with or circumvent the ability of a caller identification service to access or provide to the recipient of the call the information about the call (as required under the regulations issued under paragraph (2)) that such service is capable of providing.

“(2) REGULATIONS.—Not later than 6 months after the enactment of the Know Your Caller Act of 1999, the Commission shall prescribe regulations to implement this subsection which shall—

“(A) require any person making a telephone solicitation to make such solicitation in a manner such that a recipient of the solicitation having a caller identification service capable of providing such information will be provided by such service with—

“(i) the name of the person or entity on whose behalf the solicitation is being made; and

“(ii) a valid and working telephone number at which the caller or the entity on whose behalf the telephone solicitation was made may be reached during regular business hours for the purpose of requesting that the recipient of the solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by the person making the telephone solicitation; and

“(B) provide that any person or entity who receives a request from a person to be placed on such do-not-call list may not use such person's name and telephone number for any other telemarketing, mail marketing, or other marketing purpose (including transfer or sale to any other entity for marketing use) other than enforcement of such list.

“(2) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

“(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

“(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater; or

“(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

“(3) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of an incoming call.

“(B) TELEPHONE CALL.—The term ‘telephone call’ means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service. Such term includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source.”.

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications

Act of 1934 (47 U.S.C. 227(f)(1)), as so redesignated by section 2(l) of this Act, is further amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by striking the period and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(E) interfering with or circumventing caller identification services.”.

(b) ACTIONS BY STATES.—The first sentence of subsection (g)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(f)(1)), as such subsections is so redesignated by section 2(l) of this Act, is further amended by inserting after “this section,” the following: “or has engaged or is engaging in a pattern or practice of interfering with or circumventing caller identification services of residents of that State in violation of subsection (e) or the regulations prescribed under such subsection.”.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute recommended by the Committee on Commerce.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Know Your Caller Act of 2000”.

SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in making any telephone solicitation—

“(A) to interfere with or circumvent the capability of a caller identification service to access or provide to the recipient of the telephone call involved in the solicitation any information regarding the call that such service is capable of providing; and

“(B) to fail to provide caller identification information in a manner that is accessible by a caller identification service, if such person has capability to provide such information in such a manner.

For purposes of this section, the use of a telecommunications service or equipment that is incapable of transmitting caller identification information shall not, of itself, constitute interference with or circumvention of the capability of a caller identification service to access or provide such information.

“(2) REGULATIONS.—Not later than 6 months after the enactment of the Know Your Caller Act of 2000, the Commission shall prescribe regulations to implement this subsection, which shall—

“(A) specify that the information regarding a call that the prohibition under paragraph (1) applies to includes—

“(i) the name of the person or entity who makes the telephone call involved in the solicitation;

“(ii) the name of the person or entity on whose behalf the solicitation is made; and

“(iii) a valid and working telephone number at which the person or entity on whose behalf

the telephone solicitation is made may be reached during regular business hours for the purpose of requesting that the recipient of the solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by such person or entity; and

“(B) provide that any person or entity who receives a request from a person to be placed on such do-not-call list may not use such person's name and telephone number for telemarketing, mail marketing, or other marketing purpose (including transfer or sale to any other entity for marketing use) other than enforcement of such list.

“(3) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

“(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

“(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater; or

“(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of an incoming telephone call.

“(B) TELEPHONE CALL.—The term ‘telephone call’ means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service and includes telephone calls made using the Internet (irrespective of the type of customer premises equipment used in connection with such services). Such term also includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source.”.

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(f)(1)), as so redesignated by section 2(l) of this Act, is further amended by inserting after “subsection (d)” the following: “and the prohibition under paragraphs (1) and (2) of subsection (e).”.

(b) ACTIONS BY STATES.—The first sentence of subsection (g)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(g)(1)), as so redesignated by section 2(l) of this Act, is further amended by striking “telephone calls” and inserting “telephone solicitations, telephone calls, or”.

SEC. 4. STUDY REGARDING TRANSMISSION OF CALLER IDENTIFICATION INFORMATION.

The Federal Communications Commission shall conduct a study to determine—

(1) the extent of the capability of the public switched network to transmit the information that can be accessed by caller identification services;

(2) the types of telecommunications equipment being used in the telemarketing industry, the extent of such use, and the capabilities of such types of equipment to transmit the information that can be accessed by caller identification services; and

(3) the changes to the public switched network and to the types of telecommunications equipment commonly being used in the telemarketing industry that would be necessary to provide for

the public switched network to be able to transmit caller identification information on all telephone calls, and the costs (including costs to the telemarketing industry) to implement such changes.

The Commission shall complete the study and submit a report to the Congress on the results of the study, not later than one year after the date of the enactment of this Act.

Mr. BURR of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3100, the Know Your Caller Act, deals with the business practice of telemarketing. There are thousands of reputable telemarketing companies that provide a benefit to consumers by offering a broad range of consumer options and opportunities. Some companies are helping to grow our economy, employing thousands of citizens and fueling the economy with literally billions of dollars. Increasingly, however, telemarketers are the cause of complaints. Consumers are concerned that telemarketers are intruding into their homes. We continue to see stories about telemarketing schemes that separate consumers from their hard-earned money.

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In fact, the telemarketing complaints lodged with the Federal Trade Commission seem to underscore these concerns. In 1997 there were 2,260 complaints. In 1999 that number rose to 17,423. Today's bill takes these complaints seriously.

Thanks to the excellent work of the bill's sponsor, the gentleman from New Jersey (Mr. FRELINGHUYSEN), the legislation strips away the ability of telemarketers to hide behind anonymous telephone calls.

H.R. 3100 prohibits telemarketers from blocking the transmission of caller identification information. In addition, the bill affirmatively requires telemarketers to transmit caller identification in their equipment, if their equipment is capable of doing so. I believe this bill strikes the appropriate balance between the consumer's right to privacy and safety and the telemarketer's legitimate business interests.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by complimenting the gentleman from New Jersey (Mr. FRELINGHUYSEN). He did good work here. In our committee process, we were able to take his legislation, fine tune it a little bit, and to ultimately bring it out here to the floor of the House for action by every Member.

Consumers who want to exercise their right to be placed on a do-not-call list or to take a telemarketer to small claims court after being called are often frustrated when they cannot get the Caller ID information from the telemarketer to identify them. This legislation addresses whether telemarketers may actively block Caller ID information, and contains a prohibition against anyone making a telephone solicitation who interferes with or circumvents the capability of Caller ID services to work with consumers.

An amendment was made in the Committee on Commerce. The gentleman from North Carolina (Mr. BURR) and I and other members of the committee worked to construct an amendment to make clear that telemarketers will not be forced to buy all new equipment, and that the use of equipment that is incapable of transmitting Caller ID information is not in and of itself a violation.

In my view, however, telemarketers who solicit the public in their homes for commercial gain should not be permitted to evade the purpose and functionality of Caller ID services. This bill will prevent telemarketers from doing so, while further empowering consumers to control the communications going to and from their home.

Mr. Speaker, the bottom line is that the telecommunications revolution gives enormous opportunities for telemarketers, but it also gives to consumers powers, and those powers should include the ability, using Caller ID, to prevent information from going to their family which they believe is inappropriate. I think that this balances something which is very much consistent with the nonpartisan, non-ideological way in which we have been constructing telecommunications policy over the last generation in Congress.

I again congratulate the gentleman from New Jersey.

Mr. Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. BURR) for yielding me time and for his leadership and assistance, and particularly the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, and the staff on the Committee

on Commerce for their assistance with this bill, and also thank the gentleman from Massachusetts (Mr. MARKEY) for his kind words and for his assistance in fine-tuning this bill as well.

Mr. Speaker, I also need to thank the gentleman from Louisiana (Chairman TAUZIN) and the ranking member of the Committee on Commerce, the gentleman from Michigan (Mr. DINGELL), and their staffs for their help with this bill.

Further, I want to thank the chairman of the Corrections Advisory Group, the gentleman from Michigan (Mr. CAMP), the gentleman from California (Mr. WAXMAN), and members of the Corrections Advisory Group for their prompt acceptance of this proposal.

Mr. Speaker, the Know Your Caller Act will provide a simple but important consumer protection. Many consumers purchase and pay for the Caller ID service and Caller ID equipment for several reasons: to protect their privacy, to provide security by identifying an incoming call, and to allow them the opportunity to decide before picking up the receiver whether or not to answer that call.

But, guess what? Some of the most frequent calls, those from telemarketers, appear with the message on Caller ID box, "Out of the area; caller unknown."

Mr. Speaker, telemarketing is a commercial enterprise. As such, what would be the reason for not disclosing your business telephone number? There simply is no reason.

I believe that all commercial enterprises that use the telephone to advertise or sell their services to encourage the purchase of property or goods or for any other commercial purposes should be required to have the name of their business and their business telephone number disclosed on Caller ID boxes.

Some telemarketer enterprises purposely block out Caller ID, yet these same companies know your name, your address, and your telephone number. Is it not only fair that they share their company name and their telephone number so a person can make sure that they are a legitimate company?

Also, if you are like me and politely ask to have your name removed from their list, I think you should also be able to track the name and number of these telemarketing callers to ensure that they do not call back again repeatedly. My legislation will simply require any person making a telephone solicitation to identify themselves on Caller ID devices.

Mr. Speaker, this legislation I think will greatly help separate legitimate telemarketers from fraudulent telemarketers. While a majority of these telemarketers are legitimate business people attempting to sell a product or service, there are some unscrupulous individuals and companies violating existing telemarketing rules and scamming consumers.

Consumers pay a monthly fee to subscribe to a Caller ID service because they want to protect their privacy and their pocketbooks, but they have little recourse because most telemarketers intentionally block their identity from being transmitted to Caller ID devices.

Mr. Speaker, we already require telemarketers under present law to identify themselves over the telephone and via telephone fax transmissions. This bill simply extends that protection to consumers with Caller ID devices.

Mr. Speaker, in closing, when someone knocks at your door, do you not usually look out the window to see who it is before you answer it? Well, Caller ID acts as a window for consumers to let them know who is calling before you answer the telephone.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I echo what the gentleman from New Jersey (Mr. FRELINGHUYSEN) just said. I urge all Members of the House to support this good legislation.

Mr. KING. Mr. Speaker, I rise today in support of H.R. 3100, the Know Your Caller Act, which will help protect the privacy of consumers from telemarketers. I cannot begin to tell you how many constituents have complained to me about the number of annoying telephone calls they get at home. These calls come from credit card companies and other telemarketers trying to make a sale. These calls are intrusive and are wrong. H.R. 3100 would prevent telemarketers from interfering with consumers' caller-identification machines and require the companies to make their name readable to applicable caller ID services. Most importantly, because consumers have very little recourse, telemarketers would have to provide a phone number to the ID service that consumers can call to have their names and numbers removed from call lists. In addition, consumers could sue telemarketers for up to \$500 per unidentified call. Because we live in a very fast paced world where every free moment with our family and friends is valuable, we cannot allow these companies and businesses to violate our privacy. I support this measure and urge my colleagues to do the same.

Mr. CAMP. Mr. Speaker, I would like to thank Chairman BLILEY of the Commerce Committee for all of the work he has done on this bill. I would also like to thank Mr. FRELINGHUYSEN for authoring this bill. He has demonstrated his dedication and leadership on this issue.

On July 25, Mr. FRELINGHUYSEN presented H.R. 3100 before the Speakers advisory group on corrections. The corrections group is a bipartisan group that seeks to fix, update or repeal outdated or unnecessary laws, rules or regulations.

H.R. 3100 would prohibit telemarketers from intentionally hiding their identity by blocking caller ID devices. This would ensure someone knows if a telemarketer is calling them. One simple rule of telemarketing is that once you get a person on the phone your chances to make a sale are greatly increased. This is especially true with senior citizens who are seen as easy targets by telemarketers. That is why

this bill is supported by the American Association of Retired People, the National Senior Citizens Law Center and the Federal Trade Commission.

During the meeting several Members shared stories about how their constituents have been affected by telemarketers who hide their identity.

I am proud as chairman of the advisory group to speak in favor of H.R. 3100 and would advise my colleagues from both sides of the aisle to support it.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3100, as amended.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the amendment recommended by the Committee on Commerce and on the bill.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. BURR of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING ENFORCEMENT OF REGULATIONS ON CITIZENS BAND RADIO EQUIPMENT

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The Clerk read as follows:

H.R. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

“(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

“(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

“(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

“(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

“(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

“(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

“(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final, but prior to seeking judicial review of such decision.

“(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

“(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

“(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

“(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

“(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a ‘commercial motor vehicle’, as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1). Probable cause shall be defined in accordance with the technical guidance provided by the Commission under paragraph (3).”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2346.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 2346. It is an important initiative to improve compliance with FCC rules governing citizens band radio service.

Citizens band radio service can serve some very important functions. For instance, many people use CB radios in order to communicate in times of emergency. America's trucking community uses CB radios to report accidents and traffic problems on our Nation's highways and roadways. Many other people use CBs for simply short-distance communications, and others use it as a source of entertainment.

These constructive uses, however, are being overshadowed by the practice of a few bad actors. A number of individuals have taken advantage of the uncensored nature of CB radio to operate outside the boundaries of FCC rules. In particular, a recurrent problem is CB users boosting their signal strength with power amplifiers. Further, some CB users operate outside the permit frequencies allocated for CB radio service.

When these violations occur, unexpected and potentially harmful interference can result for others who use the service. Traditionally, Congress has looked to the FCC to enforce its rules. In fact, current communications statutes give the FCC great authority to enforce its rules and take remedial action when the rules are not followed.

Unfortunately, the FCC has made clear that reported violations regarding CB radios will be investigated only as time, manpower and priorities permit. The FCC has also indicated that it will only investigate CB violations where there is convincing evidence that results from a violation of the rules has occurred, and then only on a low-priority basis.

H.R. 2346 is an effort to provide a back-up enforcement mechanism. Under H.R. 2346, a State or local government is given authority to enact a statute or ordinance requiring operators of CB radio service within their jurisdiction to obey FCC rules. Violators would be subject to enforcement by State or local government.

The bill is carefully drafted so as not to interfere with the FCC's enforcement authority and provides suspected offenders with an appeals process.

This noncontroversial bill was reported from the Committee on Commerce by voice vote and enjoys bipartisan support.

I commend the gentleman from Michigan (Mr. EHLERS) for his work on