

Federal Emergency Management Agency. I welcome him most sincerely to the Washington community.

Director Allbaugh has pledged to work closely with state and local governments. I believe this is the key to effective response. I encourage him to direct additional energies to expanding the ability of local agencies to respond immediately to those disasters that can be foreseen but not scheduled.

In my State of Alaska, we are familiar with natural disasters. We have experienced them, from storm flooding to tsunamis, to the great Alaska earthquake of 1964. We know the value of a strong federal presence during such crises.

I know that he is interested in my State. He has visited before, and I hope to be able to welcome him back as soon as possible—preferably with a fishing pole in hand, not on some less welcome occasion.

Joe Allbaugh is a big man with big skills. His reputation is that of an extremely accomplished manager with extraordinary abilities, and he has worked on campaigns that have given him knowledge of key issues in a majority of the states. These traits will be important to the smooth operation of FEMA, which is faced with extraordinary pressures in the event of a major disaster, as we have seen in past events. I am confident that he will serve our people and our communities well during times of need.

As the Governor's chief of staff in Texas, he both helped respond to immediate crises, and helped shape his state's disaster response processes. He now has the opportunity to do the same thing on a much grander scale—one which will be felt in every state of our great country. I look forward to his guidance in this critical and sensitive arena.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) would each vote "yea."

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—91

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Roberts
Burns	Harkin	Rockefeller
Byrd	Helms	Santorum
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carnahan	Hutchison	Shelby
Carper	Inhofe	Smith (NH)
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thompson
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—9

Bennett	Graham	Miller
Bunning	Gramm	Sarbanes
Crapo	Hatch	Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is tabled and the President is notified of the confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent to proceed as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADBAND DEPLOYMENT

Mr. BROWNBACK. Mr. President, I rise today to address an urgent issue in the rural parts of my State regarding a problem we are having with the digital divide being created. What is taking place is that in urban and suburban areas, they are getting access to high-speed Internet access so people can get on and get large quantities of data about which they can communicate back and forth rapidly. That is occurring and it is a good thing.

In the rural areas of my State and in many places across the country, they

are not getting access to high-speed Internet. They have the old type of carrier that can get Internet access. They have Internet access, but they cannot get the high speed. Less than 19 percent of rural areas across the country have that high-speed Internet access compared to over 80 percent of the suburban areas across the country.

I will shortly be submitting a bill to try to address this inequity that is taking place and to keep this digital divide from further exacerbating the economies in suburban areas versus rural areas. The bill I put forward last year was the Regulatory Relief Act. It provides regulatory relief for those companies operating in rural areas to go ahead and deploy high-speed Internet access, and then not have to sell this new equipment at a reduced market price. It provides a regulatory relief to them to be able to do so.

I have worked on this issue for some period of time. We have worked on it in the Commerce Committee. There have been hearings held in the Commerce Committee on this. In the past, typically in the United States, when one of these sorts of situations starts to develop where rural areas get hindered because of their population being spread over wide areas versus urban areas, the Congress has frequently stepped in, the U.S. Government has frequently stepped in. Rural electrification and rural telephony come to mind, where you wouldn't have gotten distribution in the rural areas because it was just so far between people and the private companies could not make money. In this situation, we are not going to have to put resources forward but, rather, we have to put regulatory relief forward for the investment that will take place.

I have contacted a number of private sector groups that are looking at this and saying they will invest if we will provide them some regulatory relief. We will get that number up from 19 percent to a much higher number.

Last year, in the bill we put forward, and what we will put forward this year as well, is a requirement that, to get the regulatory relief, there has to be an increased deployment into the rural areas. That will be part of this as well.

It is a common theme in Washington today that broadband Internet access is revolutionizing the ways in which ever greater numbers of Americans are using the Internet. No longer a domain of simple data, graphics, and pictures, broadband access and its faster transmission speeds are transforming the Internet from a 56 bit-limited medium into a multi-megabyte medium, the practical outcome of which are functions such as video on demand, invaluable real-time telemedicine, improved distance learning, and powerful new tools for consumers and businesses alike on the e-commerce frontier.

Yet, as we revel in this technological marvel, we continue to find ourselves faced with the reality that there has been and continues to be a growing digital divide in our Nation—a separation

of our urban and rural communities into broadband haves and have nots respectively. While it may have become fashionable for us to recognize the threat of this disparity it has not been so fashionable to actually do something about it. So, as we introduce legislative proposals, hold hearings, and generally acknowledge the difficulty in advancing any particular plan to help rural America, the digital divide continues to grow.

Last year the National Telecommunications and Information Administration in conjunction with the Rural Utilities Service concluded that broadband deployment in rural areas was indeed lacking. NTIA and RUS found that cable TV companies and local telephone companies were focusing on deploying cable modems and DSL in markets with the highest population densities in order to maximize revenues. It is no wonder then that the Federal Communications Commission's most recent report on the status of broadband deployment found that a mere 19 percent of our most remote communities had at least one subscriber to high-speed Internet access.

During the 106th Congress I introduced legislation, the Broadband Regulatory Relief Act of 2000, to serve as a vehicle for overcoming this divide. My legislative efforts last Congress reflected the real and pressing need for action to insure that all Americans have access to broadband. My legislation's answer to this problem was to create an incentive for local telephone companies—already providing telephone service in our rural and remote communities—to deploy these advanced services. By providing these companies with regulatory relief we can counter the high cost of deploying broadband facilities in rural areas where populations are more dispersed than in densely populated areas.

Currently, the cable TV and competitive local telephone industries find their advanced services unencumbered by regulation. But because they have coalesced around our more densely populated regions, their marketplace freedom has not translated into rural broadband access. Yet, some members of the competitive community continue to argue that competition alone will ultimately drive broadband deployment into rural areas. As the FCC's deployment statistics bare out, this is not occurring. We can ill afford to hurry up and wait for the day when these companies see fit to include rural America in business plans currently dominated by a focus on urban businesses. The economics of broadband deployment in rural areas simply do not facilitate the type of competition we are currently witnessing in urban and densely populated suburban areas.

Meanwhile, contrasted with cable TV and CLECs, we continue to regulate broadband services offered by incumbent telephone companies as if they are part and parcel of their traditional telephone businesses. This simply is

not the case. Broadband facilities being deployed throughout our cities and towns require billions of dollars of new capital investment in new infrastructure. Under the current regulatory regime, the sparse populations of rural communities diminish the return on broadband investment to such an extent that incumbent phone companies are not deploying them in those areas. By removing these incumbent regulations on what is new infrastructure in a nascent market, we will be providing local phone companies with the incentive to deploy broadband in exchange for the opportunity to pursue new revenue streams.

Let me be clear that my legislation in no way seeks to upset competition developing in our urban markets. The Broadband Regulatory Relief Act would have removed voice regulations from the advanced service offerings by incumbent local telephone companies, while preserving those same competitive measures for their traditional telephone services. The bill simply recognizes that broadband, as opposed to traditional voice service, is a new service in which no one competitor should be given a government-mandated advantage. Incumbent telephone companies started from the same zero broadband-subscribership levels as the cable TV and CLEC industry, and each of them should go forward in broadband deployment on a level playing field.

These are the principles embodied in the legislation I introduced last year, and will be embodied in legislation I intend to introduce shortly. I remain convinced that, before seeking out alternative solutions, we must look to deregulation as the best, most expedient means of insuring rural America is not left behind. The power of industry to innovate and deploy products and services to the public once government is removed from the marketplace is awesome, as proven by the impressive growth of the wireless industry, the Internet and e-commerce—both representing industries largely spared from Government interference.

Some have suggested alternatives such as tax incentives or fixed wireless solutions to achieve rural broadband deployment. While we can and should seek out alternative means of deploying these services throughout the Nation, we cannot afford to delay in enabling currently available solutions from working now. We can always seek out new alternatives and when confronted with marketplace developments that threaten the interests of consumers, we can certainly enact measures to protect them. But the challenge facing us most immediately in this matter is to be unafraid to rely on our industries, responsible for the long period of economic growth we have enjoyed, to do what they do best: innovate, and offer new products and services to the public.

I recognize that others have differing views and there exists a range of opin-

ions on how best to promote broadband deployment in rural areas. While I may disagree with some of the views and proposals existing in the marketplace of ideas on this matter, I remain keenly interested in working with those who advocate them in the further interests of rural America. I am heartened by the knowledge that whatever our philosophical or policy-based disagreements, we all share the common goal of extending this vitally important technology to rural America. I look forward to working with all interested parties to seek a solution on how best to deliver these important services to rural and remote communities, and I am confident we can work together to achieve our common goal.

The kind Senator from West Virginia has been willing to allow me to come here, even though he has patiently waited on the floor to make his statement. I appreciate his generosity in allowing me to do so. I appreciate his kindness and generosity and I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have some remarks to make in connection with the reconciliation process, but I understand the leadership wishes to proceed with a little business transaction, so I shall yield the floor and not proceed with my statement until the leadership has been able to transact that business.

In the meantime, I ask that I have control of the time until my speech has been completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

PAUL D. COVERDELL PEACE
CORPS HEADQUARTERS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. 360 introduced earlier today by myself and a number of other Senators.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 360) to honor Paul D. Coverdell.

There being no objection, the Senate proceeded to consider the bill.