

REGULATORY OBSTACLES TO THE  
DEPLOYMENT OF BROADBAND  
FACILITIES**HON. RICK BOUCHER**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 21, 2004*

Mr. BOUCHER. Mr. Speaker, I rise today to discuss the positive economic benefits of eliminating the regulatory obstacles to the deployment of broadband facilities by telecommunications carriers. A recent report by economists Robert W. Crandall and Charles L. Jackson supplies strong evidence that further deregulation will jumpstart the sluggish technology sector and increase investment in broadband, which will in turn encourage greater Internet use, and expand the market for a broad range of technologies from computers and servers to digital appliances for the home that connect over the Internet.

Despite recent efforts by the Federal Communications Commission (FCC) in its Triennial Review Order (TRO) to promote broadband investment, several restrictions on broadband deployment remain that threaten to undercut the economic benefits the FCC was seeking to foster in its deregulatory order. The FCC has before it a reconsideration proceeding in which it has the opportunity to eliminate remaining barriers to investment and nourish broadband deployment, innovation, and economic growth. I urge the Commission to take full advantage of that opportunity. The following counterproductive regulations should be repealed:

First, although the FCC has eliminated unbundling requirements for new mass market broadband deployments, it mistakenly ruled that multiple dwelling units (MDUs) are subject to the greater unbundling obligations applied to the enterprise market. Apartment complexes and other primarily residential buildings should be treated the same as single family houses and small businesses that fall within the mass market. The unbundling requirements that apply to the enterprise market should not apply to these multi-family dwellings.

Second, the TRO muddies the distinction between the mass market and the enterprise market in other unfortunate ways. The FCC recognized that telephone companies face tremendous competition from cable operators when telephone companies seek to deploy new broadband networks to the mass market. It accordingly provided maximum unbundling relief to telephone companies for mass market deployments. But the FCC failed to say what the mass market includes. In particular, providers are uncertain whether fiber loops deployed to small businesses will be subject to unbundling at below-cost rates. The FCC should clear up this uncertainty by providing a clear definition of the mass market.

Third, although the TRO properly eliminates unbundling obligations for broadband under section 251 of the Communications Act, the FCC appears to have required the Bell companies to provide unbundled access to their broadband facilities under a different section—section 271. The FCC should make clear that no provision of the Act requires carriers to physically unbundle broadband facilities at cost-based rates.

The FCC needs to act swiftly to eliminate these lingering impediments to broadband de-

ployment. By doing so, the Commission will unleash the full potential of broadband communications, which will serve as an immediate stimulus for the economy.

According to the Crandall-Jackson report, if the FCC acts as I have recommended to deregulate broadband, as many as 1.2 million new jobs could emerge over the next decade from the resulting widespread adoption of existing and advanced broadband technologies. In as little as 5 years, the more than 250,000 jobs lost between 2000–2003 in the telecommunications service and equipment sector could be restored. Capital investment could increase to such an extent that by 2021, capital expenditure on broadband technologies will reach \$63.6 billion and create a cumulative increase in gross domestic product of \$179.7 billion.

Finally, in addition to creating the proper framework for investment in broadband facilities, I urge the FCC to promote regulatory parity for the broadband services provided by cable operators and telephone companies. Under current rules, telephone companies are required to provide nondiscriminatory access to all Internet service providers, but cable operators are not. For example, Verizon can offer its customers an Internet access service, but the user can instead select AOL, Earthlink, or any other ISP while receiving local telephone service from Verizon. If the subscriber has cable modem service, in most cases he is stuck with the cable company's affiliated ISP, and he would have to pay extra to reach a different ISP. This disparity makes no sense, especially given that cable operators have a 2–1 market share lead over telephone companies in the broadband marketplace.

The FCC should require cable operators to provide open access, just as telephone companies do. Americans deserve to choose their own ISP, rather than having the network owner choose for them. The FCC also should prohibit cable operators from using their bottleneck control of the network to discriminate against unaffiliated content providers or equipment suppliers. Such requirements would not involve the below-cost pricing associated with the objectionable unbundling regime, and accordingly would not chill investment in new networks. In fact, requiring all broadband network owners to provide a choice of ISPs will accelerate the deployment of broadband services at a more reasonable price.

TRIBUTE TO THE 12TH SERGEANT  
MAJOR OF THE ARMY, JACK L.  
TILLEY**HON. JOE KNOLLENBERG**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 21, 2004*

Mr. KNOLLENBERG. Mr. Speaker, it is my distinct honor and privilege to simply say thank you to the 12th Sergeant Major of the Army, Jack L. Tilley. Thank you for your service to our country. Thank you for your sacrifice to this great nation, and thank you for your leadership as the highest ranking enlisted soldier in the Army.

Last week, Sergeant Major Tilley and his wife Gloria retired after 35 years in the Army. As Chairman of the House Appropriations Committee, Subcommittee on Military Con-

struction, I had the distinct pleasure of listening to Sergeant Major Tilley testify about quality of life issues for Army soldiers. I witnessed his concern for the men and women who serve our country. Let me assure you, Sergeant Major Tilley was a zealous and effective advocate for all soldiers. There were numerous occasions when his suggestions were incorporated into subcommittee policy. Believe me, Sergeant Major Tilley made a difference in the lives of soldiers and their families.

Effectively representing soldiers of the most powerful Army in the world is a challenging and evolving task. In his statement to the Subcommittee on Military Construction Appropriations on March 5, 2003, Sergeant Major Tilley stated, "Almost three years ago my boss—Army Chief of Staff General Eric Shinseki—gave me a fairly simple charter. My mission is to get out among our soldiers and their families, understand their needs and issues, and become their biggest advocate and supporter as I represent them to him, the Secretary of the Army, and other senior leaders throughout our government." I can say without hesitation, Sergeant Major Tilley has accomplished his mission.

Over the course of his career, and most notably during his tenure as Sergeant Major of the Army, Jack Tilley's number one priority was Army soldiers. From the day he took the office of Sergeant Major of the Army in June 2000, until his retirement, Jack Tilley took his mission to heart. By his own admission, Sergeant Major Tilley logged hundreds of thousands of miles of travel visiting Army soldiers across the United States and forward deployed to countries all over the world. Sergeant Major Tilley's actions and dedication reveal that he is not afraid to get his boots muddy, in fact, he revels in it.

Sergeant Major Tilley's care for soldiers was tested many times during his tour of duty. As the first Sergeant Major of the Army appointed in the 21st Century, Jack Tilley has coached and mentored Army soldiers through many challenges that his predecessors could never have imagined. Sergeant Major Tilley was the Army's lead advocate for soldier issues as a new administration came into office, defense transformation became a reality, and our country, and the building he worked in, were viciously attacked on September 11th, ushering in a new type of war, the Global War on Terrorism.

Yet for all that can be said about Sergeant Major Tilley and his many accomplishments, he is nothing if not the embodiment of the modern American Soldier. Sergeant Major Tilley's concern and dedication for Army soldiers reflects what the President said to soldiers at Fort Hood Texas, and I quote:

"As members of our military, you serve this nation's ideals and you demonstrate those ideals in your code and in your character. As Commander-in-Chief, I have come to know the men and women who wear America's uniform. I have seen your love of country and your devotion to a cause larger than yourself. I have seen your discipline, your idealism, and your sense of honor. I know that every order I give can bring a cost. I also know without a doubt that every order I give will be carried out with skill and unselfish courage."

The fact that the President of the United States notices and commends Army soldiers is testimony to the hard work and dedication of people like Sergeant Major Tilley. Unquestionably, the United States possesses the

most effective and professional fighting force that the world has ever seen. The quality and caliber of Army soldiers continues to grow, despite increasing operational tempo and tremendous expectations thrust on the dedicated men and women who serve our country.

Thank you Sergeant Major Tilley for your leadership and values that have made our Army the most professional and effective fighting force in the world. Thank you for your ability to inform the Appropriations Committee on quality of life issues that impact soldiers and their families, and God's blessings to you as you begin your next great journey upon your retirement from the Army.

#### PERSONAL EXPLANATION

#### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 21, 2004*

Mr. HAYES. Mr. Speaker, on rollcall No. 1, I was detained due to a delay in my flight. Had I been present, I would have voted "present."

#### CONGRATULATIONS AND APPRECIATION TO STAFF SERGEANT CAROL S. MURRAY

#### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 21, 2004*

Mr. PAYNE. Mr. Speaker, I rise today to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special person, Staff Sergeant Carol S. Murray, who has given outstanding service to our Nation and to this institution. Sergeant Murray will be honored this evening by her many friends, colleagues, and family members on the occasion of her retirement from the United States Army.

As the Non-Commissioned Officer in Charge and Administrative Supervisor of the Army's Congressional House Liaison Division since 1991, Sergeant Murray has earned an excellent reputation among members of Congress for her dedication and professionalism. I had the pleasure of getting to know Sergeant Murray when she accompanied a Congressional delegation to Haiti. She impressed me with her ability to handle with grace any situation which arose, while also showing deep respect to our host country and its residents during the diplomatic mission. I always enjoyed walking by Sergeant Murray's office in the Rayburn Building, because I knew I would be greeted with the warm, friendly smile she has for everyone. In her position, she was always willing to show newcomers the ropes, inspiring a sense of esprit d'corps which is so important for the morale of those serving in our military. In addition, whenever the Army was hosting a reception or event for a senior officer, she worked tirelessly to ensure that it was well-attended and successful.

Sergeant Murray began her career in July of 1984 after completing Basic and AIT at Fort Jackson. She served in Stuttgart as the postal clerk for 139th AG Postal, Robinson Barracks. Her exceptional performance led to other assignments, including providing primary training

in office procedures and policies, and acting as a mentor for all newly assigned Military Personnel. Following her tour in Germany, she headed to Fort Bragg, North Carolina, to the XVIII Airborne Corps, where she served with the "Fighting" 305th AG Postal before leaving for Honduras and other numerous field deployments with the mighty 82nd Airborne Division. In January of 1988, she began working as a Postal Clerk with the 2nd Infantry Division, Camp Casey. She later worked as an Administrative Specialist to the Chief, Enlisted Records before serving as the Senior Administrative NCO for the Adjutant General's Office in the Military District of Washington.

Mr. Speaker, I know my colleagues join me in offering congratulations and best wishes for the future to Sergeant Carol Murray, a great soldier, patriot, and friend.

#### PERSONAL EXPLANATION

#### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 21, 2004*

Mr. STEARNS. Mr. Speaker, on rollcall No. 1 I was unavoidably detained and regret missing the quorum call. Had I been present, I would have voted "present."

#### REMEMBERING ROBIN EDMONDS MILLER

#### HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 21, 2004*

Mr. SIMMONS. Mr. Speaker, I rise to share some very sad news with my colleagues today. Robin Edmonds Miller, of Stonington, Connecticut, died on Wednesday, December 10, at the age of 52.

Robin's loss is both professional and personal, as she was a dedicated public servant and a dear friend of the Simmons family.

Robin was involved and respected in state politics, currently serving as chairperson of the Board of Mediation and Arbitration for the State of Connecticut Department of Labor. She was also serving as chairperson for the State of Connecticut Department of Administrative Services Employee Review Board.

Robin was active in social and civic affairs in the Town of Stonington, serving as the Town of Stonington Registrar of Voters. She also served as past chair, and currently vice chair, of the Stonington Town Republican Committee.

Robin Miller exemplified community action and public service. She believed that our communities, our states and our nation will function properly only when people step forward to do the hard work necessary to ensure the wheels of democracy will run smoothly. When I think of my friend I am reminded that the heart of a public servant is not measured by its size, but by the depth of commitment to make a positive contribution to the lives of others.

In addition to her parents, Robin is survived by her two children, Bianca Nardi and Curtis Miller; her siblings, Robert and Julie Edmonds of New Hampshire; and nieces and nephews.

All those who knew Robin Miller feel a profound sense of loss, but also a genuine sense of joy that we knew her.

#### INTRODUCTION OF THE PRESERVING MEDICARE FOR ALL ACT OF 2004

#### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 21, 2004*

Mr. CARDIN. Mr. Speaker, I rise to introduce legislation to help fulfill the promise made by Congress and the President to our seniors. The "Preserving Medicare for All Act of 2004" begins with the framework of HR 1, which was passed in the last days of our first session. But it corrects the legislation's structural defects that will result in more harm than help for our Medicare beneficiaries.

Over the past few years, I have met with thousands of seniors in my district about Medicare and their need for prescription drug coverage. They brought me their empty pill bottles and their pharmacy receipts. With the highest out-of-pocket costs of any age group in the country, they and millions of other seniors across the nation were looking to Congress for real prescription drug coverage that would give them substantial help with their drug costs. They wanted their drug benefit to be provided like other benefits covered by Medicare—administered by the Centers for Medicare and Medicaid Services, with a guaranteed benefit, universally available regardless of where they live, for it not to jeopardize existing coverage, and yes, they wanted the choice of their own doctor and hospital and the freedom to choose a private health plan if they prefer that option.

I believe that a clear majority of the House and Senate wanted to enact legislation that met our seniors' needs. Unfortunately, the bill that moved through Congress failed to provide seniors with what they needed or expected. The plan that became law will not be administered by CMS but by private insurers. The government is prohibited from using the purchasing power of 40 million beneficiaries to lower drug prices. There will be no guaranteed benefit, but rather an "actuarially equivalent" benefit whose components insurance companies can manipulate to discourage high-cost seniors from enrolling. It will not be universal, because these insurers can offer different coverage in different areas of the country. It will jeopardize existing coverage; the Congressional Budget Office has estimated that 2.7 million retirees—half of whom have annual incomes of less than \$30,000—will lose the drug benefits they now enjoy as a result of insufficient subsidies to employers. Under the guise of "choice" and "competition," this bill gives an extra \$12 billion to managed care plans, which are already reimbursed at rates one-fifth higher than fee-for-service Medicare. This so-called "stabilization fund" and a premium support demonstration project are not designed to offer choice, but instead to lure younger, healthier seniors away from traditional Medicare and into private plans. These features of the bill do not save money, according to the Congressional Budget Office's estimate. Instead, scarce dollars that could be used to provide a better drug benefit are used