

the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3715

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 3715 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Mr. INOUE):

S. 2686. A bill to amend the Communications Act of 1934 and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Madam President, today Senator INOUE and I introduce the Communications Act of 2006. Just over a month ago, the Senate Commerce Committee concluded a series of 15 hearings on the state of our Nation's communications laws. We looked at what changes in the law would be required to spur innovation, encourage competition, and provide better service at a lower price for consumers. Senator INOUE and I, and the members of our committee heard from dozens of witnesses and still more who have offered comments and suggested language. Our staffs met with literally hundreds of people representing every point of view.

The measure we introduce today is a working draft intended to stimulate discussion and is open for comments and suggestions for change. It attempts to strike a balance between competing industries, consumer groups and local government. Both Senator INOUE and I may propose additional changes based on comments offered by our members or interested parties. We will hold two hearings to take testimony on the draft bill and will listen to proposed changes. It is our hope that through a process of collaboration, we can draft a bill that represents a bipartisan consensus.

The bill includes elements from a number of bills introduced by members of our committee from both sides of the aisle. The Call Home Act that Senator INOUE and I introduced last week would allow the FCC to take any action short of price regulation to reduce rates for members of our Armed Forces who call home. The measure includes thirteen cosponsors from our committee and another twenty-five cosponsors from the Senate at large. The Call Home Act has been endorsed by twenty-five military and veterans organizations.

The overarching theme of the bill we introduce today is deployment of broadband nationwide. Today the United States is less than 16th in adoption of broadband worldwide. We are not only behind most of the developed world, we even lag behind some of the less developed parts of the globe. To

address this broadband gap, the bill we introduce today will allow local governments to offer their own broadband service, so long as they do not compete unfairly with the private sector. The provision is based largely on Senator McCain's and Lautenberg's bill, S. 1294, cosponsored by Senator Kerry, but includes elements to protect the private sector from unfair government competition from Senator Ensign's bill, S. 1504 cosponsored by McCain, Lott, Demint, and Vitter.

Senator McCain was also very helpful in crafting the interoperability section of the bill. After Hurricane Katrina and later Wilma and Rita, the committee held a series of hearings on problems communications companies had in restoring service and the difficulties first responders had in talking to one another even when service had been fully restored. During those difficult times, Senators Lott and Vitter played an important role in highlighting the importance of interoperability in times of crisis. As part of the reconciliation bill adopted last December, this committee addressed the interoperability problem by dedicating \$1 billion to interoperability programs. However, because of the Byrd rule, it was not possible to provide guidance on how the money should be spent. The interoperability bill we introduce today adopts many of the recommendations offered by a variety of groups from the 911 Commission to the recent White House report. It embraces key concepts such as Planning and interoperable equipment grants which have been discussed with the Department of Homeland Security and various public safety groups.

The bill will also create prepositioned technology caches in every State in the Union with some redundant regional caches for national emergencies—an idea offered by Senator INOUE and his staff. These caches will include equipment like satellite telephones that work even when towers and power lines have been destroyed.

Senator Kerry has also been involved in the interoperability discussion, and I believe he will have suggestions as we move forward on how to build redundancy into our communications system.

One of the centerpieces of the legislation is video franchising reform. The bill is based largely on legislation introduced by Senator Ensign, S. 1504, cosponsored by Senators McCain, Lott, Demint, and Vitter. Senators Smith and Rockefeller introduced a similar measure. Consistent with the Inouye/Burns principles, the measure retains local franchise involvement, but is based off of the Alaska model which uses expedited procedures, consistent with the shot clock principles in the Inouye/Burns principles.

By using a standard application, but preserving the cities' right to manage their own rights of way and providing the revenues needed to operate their institutional networks as well as their PEG channels, the bill seeks to balance

the needs of those who want to deploy broadband networks for video services and the desires of cities to continue the services they offer today. We also sought to address the needs of the existing cable companies by offering them the same terms as new entrants immediately upon approval of the competitor's franchise application. Additionally, a cable company can avail itself of the new streamlined rules after its current franchise agreement expires.

Another issue addressed in the draft bill is access to video content. While satellite companies are barred from hoarding exclusive sports programming, the so-called terrestrial loophole does not impose the same mandate on cable companies. As a result, through acquisition of regional sports networks by cable operators, competition with satellite providers is stymied. The Sports Freedom Act included in this bill is patterned after a provision in the Ensign bill cosponsored by McCain, Lott, Demint, and Vitter.

Also critical to providing compelling content is the broadcast flag. Broadcasters are reluctant to offer their best programming over the air for fear it could be stolen and distributed worldwide over the Internet with no regard to copyright protection. This has been a critical issue for Senator INOUE on the video side and for Senator Frist on the audio side. Senators Smith and Boxer took on this issue and developed a draft bill which became the basis for the legislation we introduce today. It attempted to strike a balance between the needs of broadcasters and the desires of the consumer electronic industry not to have the Federal Government pick technology winners and losers. While interested parties may have suggestions for improving the bill, we believe it is a good first step in addressing their concerns. I commend Senators Smith and Boxer for their hard work on this issue.

The measure includes a white space provision modeled after S. 2327, the Allen-Kerry WIN Act supported by Senators Sununu, Dorgan, and Boxer. It adds some protections the broadcasters requested to prevent harmful interference by requiring any new device to be tested in an FCC certified lab before deployment. The concept of using vacant TV channels for broadband deployment through Wi-Fi, Wi-Max and other technologies is strongly endorsed by consumer groups and the technology community. Also, each can play an important role in bringing broadband to rural America.

The legislation includes guidance on the DTV transition that was not possible in the reconciliation bill because of the Byrd rule. Much of the language we included is based on a provision Senator INOUE worked on to Address consumer education issues. It also includes an international coordination element requested by Senator Hutchinson to address interference on the US-Mexico border that will also

benefit other border states, such as Alaska, Washington, Montana, North Dakota, and Maine. In addition, we have included S. 900, Senator MCCAIN's Television Information Enhancement for the visually impaired act which Senator INOUE and I cosponsored, along with Senator SMITH. That bill authorizes an existing FCC rule requiring TV stations to offer some video description of television shows so blind listeners will be able to follow the action. The existing rule was struck down by the courts on the grounds that the FCC lacked authority for such a rule. Today we provide them the authority they need. As the son of a father who was blind for a period of time, this is an issue of personal interest to me.

Last, but most important to me is universal service reform. Our measure is based on a series of bills. The contribution mechanism we adopted is based on S. 2256, the Burns USF bill and S. 1583, the Smith-Dorgan measure which was also cosponsored by Senator PRYOR. It allows the FCC to adopt a contribution mechanism based on revenues, numbers, or connections. Such a step is needed to stabilize this important program. It also includes Senator SMITH's concept of a separate broadband fund to address the needs of unserved areas.

We have included S. 241, the Snowe-Rockefeller ADA exemption after failing in our efforts to work out this issue with the Administration. While the Burns and Smith-Dorgan-Pryor bills were the basis for our USF title, we also used important concepts from H.R. 5072, the Terry-Boucher bill, and we applaud them for their leadership in the House and thank them for their contribution to this effort. Lastly, we have included S. 2378, the Inouye measure that will improve the e-rate program for Native Americans. Senators MCCAIN, DORGAN, and I joined in cosponsoring that bill.

This bill includes provisions throughout that will benefit consumers. It encourages competition and cost savings in the video market. It addresses some critical needs in rural America. And, it encourages deployment of broadband so that our Nation can remain competitive.

This is a comprehensive bill, as indicated by my comments, that we have researched. The bill is introduced by every Member of the Senate. We are attempting to collate them so we can have one communications act for this year. This will be the Communications Act of 2006.

I urge the Senate to review it. We look forward to having their comments.

Mr. INOUE. Mr. President, today, I have agreed to cosponsor telecommunications legislation introduced by Senator STEVENS. I do so in a spirit of bipartisanship because I believe that bipartisanship will be required if we are to successfully update our Nation's communications laws. My cosponsor-

ship, however, is not a demonstration of support for the bill itself.

This is the draft of the majority staff, and I have numerous, substantive objections to the bill in its current form. Given that my colleagues and I have not yet had an opportunity to weigh in on this critical legislation, I consider its introduction the very beginning of the legislative process.

Now that the majority staff's draft is no longer a secret, we can begin a full review of the bill and address the many issues important to me and my colleagues. At first glance, some provisions will need to be deleted or changed substantially and some issues still need to be addressed.

For example, we cannot ignore concerns about the potential for discrimination by network operators, but the draft appears to do just that by failing to create enforceable protections that will ensure network neutrality. Similarly, I believe that the provisions addressing video franchise reform must follow more closely the principles Senator BURNS and I offered earlier this year. At a time of increasing consolidation in the communications industry, it is essential that we guarantee rights of interconnection, promote competition, and restrain anticompetitive behavior, particularly in markets where the Bell Companies continue to have significant market power. The legislation must promote the availability of affordable, broadband services and extend consumer protections on a competitively neutral basis.

Again, I recognize and honor the chairman's prerogative to set this legislative process into motion. The chairman is aware of my many concerns and has assured me that this will be a bipartisan process, and the Democrats will be at the table. I look forward to our discussions, and I am hopeful that we can develop a final product that everyone on our committee can support.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 456—EXPRESSING THE SENSE OF THE SENATE ON THE DISCUSSION BY THE NORTH ATLANTIC COUNCIL OF SECURE, SUSTAINABLE, AND RELIABLE SOURCES OF ENERGY

Mr. LUGAR submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 456

*Resolved*, That it is the sense of the Senate that—

(1) the President should place on the agenda for discussion at the North Atlantic Council, as soon as practicable, the merits of establishing a policy and strategy for the North Atlantic Treaty Organization to promote the security of members of the Organization through the development of secure, sustainable, and reliable sources of energy; and

(2) the President should submit to Congress a report that sets forth—

(A) the actions the United States has taken to place the matter referred to in

paragraph (1) on the agenda for discussion at the North Atlantic Council;

(B) the position of the United States on the matter, as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(C) a summary of the debate on the matter at the North Atlantic Council, including any decision that has been reached with respect to the matter by the Council; and

(D) a strategy for the North Atlantic Treaty Organization to develop secure, sustainable, and reliable sources of energy, including contingency plans if current energy resources are put at risk.

Mr. LUGAR. Mr. President, I rise today to submit a resolution that calls upon the United States to lead the discussion at NATO headquarters of the role the alliance could play in energy security. It further calls upon the President to submit to Congress a report that details "a strategy for NATO to develop secure, sustainable, and reliable sources of energy, including contingency plans if current energy resources are put at risk."

NATO is now facing new challenges and new priorities. To be fully relevant to the security and well-being of the people of its member nations, NATO must think and act globally.

International developments are calling attention to the growing importance of energy security for NATO member countries and other non-member partners. Dependence on imports of oil and natural gas from limited numbers of countries with state-controlled reserves makes NATO member countries vulnerable to political manipulation of supply. On a global scale, increased competition for finite supplies of oil and gas could lead to conflict that would directly involve NATO member states. This is why the resolution urges that the United States energy security message to NATO members include attention toward sustainable fuels and preparedness for supply disruption.

As the alliance focuses on a clearer definition of its purpose in the 21st century, I believe that it is important to show congressional support for NATO playing a role in energy security.

##### SENATE RESOLUTION 457—EXPRESSING THE SENSE OF THE SENATE THAT THE CITIZENS OF THE UNITED STATES AND THE UNITED STATES GOVERNMENT HAVE SERIOUS CONCERNS REGARDING THE RELEASE OF CONVICTED TERRORIST AND MURDERER MOHAMMAD ALI HAMMADI BY THE GOVERNMENT OF GERMANY

Mr. VITTER (for himself, Ms. MIKULSKI, Mr. DEMINT, Mr. CRAIG, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas, although the Government of Germany has been a significant partner in combating international terrorism, their release of Mohammad Ali Hammadi was a grave and unfortunate mistake;