

Act of 2007." The legislation introduced today reflects the version of the bill as approved by the House Subcommittee on Telecommunications and the Internet less than two weeks ago. The bill will continue to undergo refinement in the Energy and Commerce Committee and my ongoing goal is to work toward a bipartisan, consensus bill.

The objectives of this bill are two-fold. First, to gain a better assessment of how America is doing in broadband service deployment and adoption, the bill will obtain information on the types and speed of broadband service subscribers utilize and the extent of such adoption for the residential and business market in areas at the 5-digit zip code level. Second, the bill will seek to develop a national, interactive map of broadband service availability for use by consumers. This map will help to identify areas of the country where service does not exist and also assist consumers in ascertaining which broadband service providers are available in their neighborhood.

I believe at this point there is growing consensus—if not unanimity—around the fact that current data collection methods used by the Federal Communications Commission (FCC) are inadequate and highly flawed. Currently, the FCC counts a single broadband subscriber in a 5-digit zip code as indicating the entire zip code has broadband availability, even if the sole subscriber is a business and not a residential consumer. This can lead to highly inaccurate and overly generous notions of actual broadband availability and use, particularly in rural areas where zip codes are quite large.

In addition, under almost any set of measurements, the United States lags other nations not only in availability and speed but also in the value. The 50 Megabit per second service in Japan, for instance, is available to Japanese consumers for roughly \$30. Here in the U.S., consumers typically pay \$20 for about 1 Megabit of service and \$30 to 40 for roughly 4 Megabits of service. This legislation will task the FCC with identifying tiers of increasing data transmission speeds, for both upstream and downstream attributes. These tiers will describe existing broadband service capability deployed in the Nation and are designed to the extent possible to correspond to a service's ability to support qualitatively different applications and services. Identifying such tiers and the services which apply to them will enable policymakers to gauge the broadband service speeds that are being subscribed to by residential consumers and by small and large businesses and will also allow for trends to be seen in such adoption over a period of time.

The lack of such information today leaves policymakers largely in the dark about the nature and extent of broadband service deployment and adoption in urban, suburban, and rural areas of the country. The state of knowledge around the status of broadband services in the United States directly affects the ability of policymakers to make sound decisions. For instance, the Federal government can do a much better job in reforming multi-billion dollar grant and subsidy programs—whether at the Rural Utilities Service or at the FCC—if we have better data on where we truly need to target government assistance. Similarly, States can focus limited State resources for economic assistance, computer adoption, and broadband promotion if ample and accurate data is available indicating where such resources should be deployed.

This is precisely what has happened in Kentucky. ConnectKentucky has been a wildly successful effort and has demonstrated the palpable benefits to mapping broadband for various public policy benefits.

The risks of not developing national data will undermine our goal of achieving a national plan for universal, affordable broadband. This, in turn, adversely affects consumers and communities across the Nation. The benefits of higher speeds, lower prices, and more choices for broadband services include greater economic opportunity, job creation, worker productivity, access to health care and educational resources, promotion of innovation, and global competitiveness.

Madam Speaker, I look forward to working with Energy and Commerce Committee Chairman JOHN DINGELL, Ranking Member JOE BARTON, Telecommunications and the Internet Subcommittee Ranking Member FRED UPTON, as well as my other House colleagues on this bill as the process continues.

U.S. SENATE CONFIRMATION OF
LESLIE SOUTHWICK

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to express my strong opposition to the nomination of Leslie Southwick, now being considered by the U.S. Senate.

In an attempt, yet again, to place someone for a lifetime seat on the Federal bench, which has traditionally been racially ignorant and insensitive towards civil rights, the President has risen to the occasion and nominated Leslie Southwick.

This will be his third nomination, of a Mississippian, to the Fifth Circuit since 2001. However, none of his nominations aid in rectifying the egregious problem with the lack of diversity on Mississippi's Federal bench.

Mississippi has the highest African-American population, 37 percent, of any state in the country. In spite of the hundreds of African-American lawyers and judges in Mississippi, there has never been an African-American, nor any other minority from Mississippi, appointed to represent Mississippi on the Fifth Circuit Court of Appeals in the history of this country.

This is a fight worth having. The Fifth Circuit has the highest percentage of minority residents of any circuit. At the same time, its civil rights jurisprudence is far to the right. The recent events in Jena, LA, show the racism in the criminal justice system within the jurisdiction of the Fifth Circuit. We cannot afford a nominee hostile to civil rights on this or any other Court.

There is a history with this seat. The President is intent on placing someone hostile to civil rights in the Mississippi seat on this Court. Charles Pickering and Michael Wallace were nominated but couldn't get confirmed because of their civil rights records. This is the third try by the Administration, and the pattern is very clear.

Instead of stepping up to the plate and nominating someone capable of delivering fair and impartial decisions on civil rights, the President has slapped Mississippians in the

face with the recent nomination of Southwick. Just look to Southwick's controversial opinions.

In *Richmond v. MS Dep't of Human Services*, a white employee was fired for using the phrase "good ole nigger" toward an African-American co-worker. When the white employee was fired, a hearing officer reinstated the employee. In upholding the reinstatement, the majority (which Southwick joined) concluded that using the phrase "good ole nigger" was equivalent to calling the other employee her "teacher's pet." This opinion was unanimously reversed by the Mississippi Supreme Court. And this is Bush's No. 1 draft pick?

Southwick's rulings on race discrimination in jury selections are equally disturbing. In such cases there is a noticeable pattern of prejudice. Southwick upheld claims that the defense struck white jurors on the basis of their race while rejecting claims that the prosecution was racially motivated in striking African-American jurors. On one hand, Southwick allows prosecutors to strike African-American jurors when the motivation is clearly racial, *McWilliams v. Mississippi*, or when the prosecution cites non-racial reasons for the strikes, *Davis v. Mississippi*. Yet, Southwick denies the defenses warranted attempts to strike white jurors even when the defense uses the same non-racial reasons for the strikes, *Webb v. Mississippi*. And this is the President's No. 1 draft pick?

The aforementioned cases exemplify several opportunities Southwick has had to make a judicious decision befitting such a high court but failed to do so.

Such views must not be tolerated or encouraged through a nomination to a lifelong post representing the judicial integrity of our nation. By this nomination, the Administration is attempting to reward judicious incompetence and great shortsightedness toward civil rights issues.

It's almost as if the President believes that Mississippi does not have any competent African-American lawyers. To think that a state overflowing with highly capable African-American attorneys cannot fill this Mississippi seat is simply preposterous.

Again, I express my sincere opposition to the nomination of Leslie Southwick to Mississippi's Fifth Circuit Court of Appeals. Mississippi needs a nominee who will not look to discourage or impede its growth, but instead, support and empower Mississippi's legacy.

TRIBUTE TO HERBERT
HENDERSON

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. RAHALL. Madam Speaker, West Virginia recently lost an outstanding son, Herbert Henderson. Herb passed away last week, but today I rise to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years, was a torchbearer in the dual causes of spreading equality and ensuring justice.

The unfortunate news of his passing has brought sadness to so many throughout West Virginia, including those who did not have the

opportunity to meet Mr. Henderson but who have come to benefit from his passionate support of civil liberties.

Herb was preceded in death by his wife of 49 years, Maxine Henderson. He graduated from Elkhorn High School in McDowell County, and from there he went on to attend West Virginia State College until his graduation in 1953. After college, Herb served two tours in the United States Army before becoming the first African-American to attend George Washington University School of Law. Upon graduation from law school, he returned with his family to Huntington, WV, where he eventually became senior partner in the law firm of Henderson, Henderson, and Staples.

From 1966 to 1986, Herb Henderson was the West Virginia State President of the National Association for the Advancement of Colored People (NAACP). He went on to serve as General Counsel for the NAACP in 1984 and again from 1989 through 1990. The mission of the NAACP is to ensure political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. This was a mission that Herb not only shared, but one that he also championed throughout his lifetime.

For 49 years, Herb was an active member of the Ebenezer United Methodist Church, as well as a member of the National Council of the Churches of Christ in the U.S.A. and Church World Service. He was a solid supporter of West Virginia State University (WVSU) and served as President of the Huntington Chapter of the WVSU Alumni Association.

He will be greatly missed by his family, in particular his four daughters and 10 grandchildren, as well as, the community he served so faithfully over these many years. My thoughts and prayers are with the family of Herbert Henderson. I join with West Virginians in honoring his remarkable life and the legacy he left behind.

TRIBUTE TO TIM LOSTY, DIRECTOR OF THE NORTHERN IRELAND BUREAU

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. PAYNE. Madam Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in honoring an outstanding friend of our Nation who has served with distinction for the past few years as director of the Northern Ireland Bureau, Mr. Tim Losty, as he heads back to his homeland.

During his tenure, Tim worked closely with members of Congress and others to strengthen the bond between our two nations at an exciting but challenging time. He helped ensure that the U.S. continued to play a supportive role as the changes brought about by the historic Good Friday Agreement were implemented. Americans have always felt a special affinity with the people of Ireland and Northern Ireland because so many have roots there. In seeking our input and keeping us advised of the economic, social, and political developments in Northern Ireland, Tim gained our respect and admiration. He will be greatly missed.

Having visited Northern Ireland many times myself, both before and after the Good Friday Agreement, I am very gratified that the peace process continues to move forward.

Prior to joining the Northern Ireland Bureau, Tim was a manager with LEDU/Invest Northern Ireland's Eastern Local Office; founding member of the Belfast Peace and Reconciliation Partnership Board in 1994; a director of the Belfast Local Strategy Board; the East Belfast Partnership; and the First Stop Business Shop. Tim also worked on the West Belfast and Greater Shankill Taskforces set up by Ministers and local politicians to address specific issues of disadvantage in the community.

Madam Speaker, I know that all of my colleagues join me in wishing all the best to Tim, his wonderful wife Lisa, and their sons Conor and Rory as they return.

INTRODUCTION OF THE COMMERCIAL MOTOR VEHICLE ADVANCED SAFETY TECHNOLOGY TAX ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have co-authored with my colleague MIKE THOMPSON (D-CA) to promote the installation of proven advanced safety technology on heavy-duty vehicles.

The Commercial Motor Vehicle Advanced Safety Technology Tax Act (H.R. 3820) will create a tax incentive for owners of heavy-duty vehicles and the manufacturers of public and school buses to purchase and install safety systems proven to reduce accident rates. These include:

Brake Stroke Monitoring System—A system that monitors vehicle brakes to ensure they are functioning properly;

Lane Departure Monitoring System—A system that warns the driver when the vehicle drifts into the wrong lane;

Collision Warning System—A system that warns the driver if the vehicle is getting close enough to another vehicle or object to cause accident;

Vehicle Stability System—A system that autocorrects the vehicle when there is a threat of the vehicle rolling over.

These technologies directly address the most common causes of heavy-duty vehicle accidents as identified in a March 2006 report by the Federal Motor Carrier Safety Administration.

Specifically, large truck and bus owners who purchase one or more of these systems would be eligible for a tax credit of up to \$3,500 annually, with a maximum of \$1,500 per system. Owners of vehicle fleets would be eligible for a maximum credit of \$350,000 per year. Manufacturers who sell large trucks or buses to nonprofit entities, like schools or city transit authorities, would be eligible for the tax credit if they install the systems prior to vehicle delivery.

The Commercial Motor Vehicle Advanced Safety Technology Tax Act will reduce cost barriers for these safety systems, improving road safety and improving overall road safety.

I urge my colleagues to support this bill.

HONORING THE LIFE OF SERGEANT JASON M. LANTIERI

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize the life and service of Army Sergeant Jason M. Lantieri, a twenty-five year old young man from my district who died on October 10, 2007 while serving in Iraq. Family, friends and the Killingworth community gathered last Thursday to honor, and say goodbye, to this special young man.

Jason was a bright, talented, and outgoing student-athlete at Haddam-Killingworth High School in Higganum, Connecticut. There, Jason's athletic abilities were undeniable as he played on the school's soccer, basketball, and baseball teams. In addition to his athletic prowess, Jason's commitment to his school and fellow classmates was solidified through his active role in student council.

Following graduation in 2000, Jason enrolled in Western New England College in Springfield, Massachusetts. In subsequent years after earning his business degree, Jason joined the Army and was assigned to the 725th Brigade Support Battalion of the 25th Infantry Division based in Fort Richardson, Alaska. During the next two years, he proudly, and bravely, served our Nation in Iraq.

On October 9, 2007, Jason was injured in a vehicle accident outside of Baghdad in Iskandaryah, Iraq. He passed away from his injuries the next day.

Earlier this year, Jason was able to fulfill his passion for travel and adventure on a break from Iraq in Europe. He wrote about his travels, stating, "Europe is a great place to just live for the day and for the moment." Although I did not know Jason, it is clear to me that he lived his life to the fullest, and made the world a better place for his family, friends and all those who knew him.

Jason's passing brings a profound sadness to the southeastern Connecticut community. His memory and contributions, however, will live on in our hearts and minds. I ask my colleagues to join with me in honoring Jason's life, his service and ultimate sacrifice to our Nation, and offer condolences to his friends and family at this difficult time.

TRIBUTE TO STATE REPRESENTATIVE CHARLIE BROWN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and respect that I take this time to recognize a dear friend and one of Indiana's most distinguished citizens, State Representative Charlie Brown of Gary, IN. Since 1982, Charlie has served as a member of the Indiana General Assembly. For his dedication and countless efforts toward improving the lives of Indiana residents, Charlie will be honored at a reception hosted by the Lake County Medical Society on Wednesday, October 24, 2007, at the Avalon Manor in Merrillville, IN.