

Please accept this letter as our Association's support for this very important legislation. We thank you for taking the leadership on this issue.

Sincerely

ROBERT S. ELSBERG,
Legislative Chairman.

LEN SWINEHART'S BIRTHDAY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GINGRICH. Mr. Speaker, it isn't often that someone can celebrate their 50th birthday and help pass a 4,000-page appropriations bill. Len Swinehart has been a hardworking, knowledgeable and effective member of the Speaker's staff. He has specialized in budget and appropriations issues and he has effectively represented the taxpayers of America. For the last two weeks Len has been immersed in monitoring the details of this massive \$500 billion budget. Tonight he will be able to celebrate his first half century and a job well done. Happy birthday Len and thank you.

PROTESTING SECTION 103 OF DIVISION A OF THE OMNIBUS APPROPRIATIONS BILL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, today I introduced a measure to correct H.R. 4328 by striking section 103 of division A. As passed now, section 103 of division A will cost American taxpayers \$1 billion because it permits the Tennessee Valley Authority to refinance some of its \$30 billion debt through the Federal Government.

I have thought for a long time that New Jersey taxpayers should not have to help pay to subsidize electricity for the Tennessee Valley which is one reason why I have fought to end the Federal Government's subsidies for TVA. But compared to TVA's refinancing deal, the non-power program subsidy was peanuts. Taxpayers will be footing the bill for this backroom deal and the cost is over \$1 billion.

Striking out this section would wipe out the hidden provision to allow TVA to refinance its billions of dollars of debt through the Federal Government at the cost of U.S. taxpayers.

Since the New Deal, TVA has asked for and received the Federal Government's help to control flood waters in the Tennessee Valley, but when it comes to the flood of Federal dollars for the TVA, they just say "let it flow." This refinancing scheme and extra funding is not fair to taxpayers in New Jersey and all around America and it is against the expressed will of Congress.

I led the efforts to zero out this annual Federal subsidy contained in the Energy and Water Appropriations bill. Both House and Senate Appropriators agreed with me, and this year we cut the \$70 million subsidy in the FY99 Energy and Water Appropriations bill already signed into law by the President.

But in a last-minute deal, two amendments slipped into the Omnibus bill which will cost

the taxpayers. One amendment would provide \$50 million for the TVA's non-power programs in 1999. But another provision would cost taxpayers much more than the \$50 million or even the original \$70 million for TVA's non-power programs. The second TVA provision also attached to the Omnibus bill would permit TVA to refinance some of its \$30 billion debt through the U.S. Treasury's Federal Financing Bank. If passed, TVA would be allowed to borrow \$3.2 billion from the Federal Government and taxpayers would be forced to pay for the \$1 billion cost of this refinancing.

Despite the vehement protests of appropriators and authorizers, the legislation allows this giant utility to refinance its debt without paying the contractually-required prepayment penalty.

TVA is already \$30 billion in debt, pays no taxes, enjoys access to low-cost capital, and avoids scores of Federal laws and State regulations. The taxpayers must not be burdened further by TVA.

COMMERCE COMMITTEE CONCURS WITH H.R. 3494

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3494, "the Protection of Children From Sexual Predators Act of 1998." Several days ago, the House concurred with amendments made to H.R. 3494 by the Senate. The legislation is now being prepared for the President's signature.

In general, H.R. 3494 amends current law to strengthen the provisions that protect children from sexual predators. The amendments are needed to ensure that our laws keep pace with technology and that we do all we can to maintain the innocence of our children. While the actions of sexual predators are inexcusable, subjecting our children to this sick and harmful behavior is morally unacceptable. These practices are degrading and undermine the fabric of our society. H.R. 3494 will help put an end to such practices.

The Commerce Committee has been integrally involved in a similar effort to protect children. The Commerce Committee has worked in the past with the Judiciary Committee to craft similar legislation. Thus, the Committee was pleased to see the development of H.R. 3494 as it proceeded through the legislative process and chose not to raise jurisdictional issues that may have prevented the legislation from moving forward. It is important, however, to highlight our jurisdictional interest in this important matter.

I note that at least two sections of H.R. 3494, sections 401 and 901 fall within the jurisdiction of the Commerce Committee. Section 401 imposes a new prohibition on the transfer of obscene material to minors (under the age of 16). The scope of this provision would cover all transfers of such material, including via mail or telecommunications networks. Congress has already addressed this matter when it enacted section 223(a) of the Communications Act of 1934, as added by title V of the Telecommunications Act of 1996 (also known as the Communications Decency Act), which was jointly written by Members of the Commerce and Judiciary Committees.

Section 223(a) provides that whoever makes any comment, request, suggestion, proposal, image or other communication which is obscene or indecent, knowing that the recipient of the communication is under 18 years of age, shall be subject to criminal fines and penalties. While certain parts of section 223 have been successfully challenged in the court system, the Supreme Court upheld the constitutionality of this provision relating to transmittal of obscene material. Thus, it seems that section 401 of H.R. 3494 would overlap with the provisions of section 223(a), providing an additional tool for prosecutors to use. In doing so, it should be clear that whether a prosecutor uses section 223(a) of the Communications Act or section 401 of H.R. 3494 to address the increasing problem of the availability of obscene material to minors available through a telecommunications device, the Commerce Committee retains oversight responsibility.

Section 901 provides for the Attorney General to contract with the National Academy of Sciences to conduct a study of computer-based technologies and other methods to address the problem of access to pornography by children. The provision requires the study address a number of issues, including the present-day computer-based technologies for controlling electronic transmission of pornographic images, research needed to develop effective computer-based technologies for such purposes, potential limitations of computer-based technologies for such purposes, and operational procedures necessary to ensure the computer-based technologies are effective.

Over the last few years, the Commerce Committee has addressed computer-based technologies, including software screening programs and computer-based age verification technologies. In fact, section 901 is similar to the provisions added to H.R. 3783, the Child Online Protection Act (COPA), which recently passed in the House, to limit access to pornographic material by children. Section 104 of H.R. 3783 establishes a Commission composed of government and industry experts, including representatives in the business of providing Internet filtering and blocking services and software, Internet access services and Internet labeling or ratings services.

The purpose of the Commission is to study methods to help reduce access by minors to material that is harmful to minors on the Internet. The Commission is tasked with submitting a report to Congress which will include: (1) a description of the technologies and methods identified by the study and the results of the analysis of each such technology and method; (2) the conclusions and recommendations of the Commission regarding each such technology or method; (3) recommendations for legislative or administrative actions to implement the conclusions of the Commission; and (4) a description of the technologies or methods identified by the study that may meet the requirements for use as affirmative defenses provided under other provisions of law.

I believe the Commerce Committee and the Judiciary Committee have arrived at complementary solutions. The study authorized by H.R. 3494 would fit well within the study authorized by H.R. 3783.

While I am hopeful that H.R. 3783 will become law this Congress, it should be recognized that the Commerce Committee intends