

Personnel and Maritime Safety Act of 2001.

Mr. Speaker, this is a very non-controversial bill. As with the prior bill, H.R. 1099, all of the provisions were worked out by the conferees to the Coast Guard Authorization Act of 2000 conference last year.

H.R. 1099 will help provide additional resources to combat drug smuggling, improve safety on our waterways, extend the lives of six safety advisory committees, increase the penalties for negligent operation of vessels on our Nation's waterways, improve the management for issuing documents to U.S. mariners, and allow for quicker promotions for Coast Guard officers of particular merit.

Mr. Speaker, the Coast Guard is currently drastically reducing their operations due to funding shortfalls. These reductions have been caused largely by the increased price of energy, unbudgeted personnel entitlements in the National Defense Authorization Act of 2000, and increased health care costs.

As a result, the Coast Guard has reduced current operations by 10 percent and will reduce their operations by 30 percent on April 1. Clearly, additional funding is required. Failure to provide adequate funding will result in more drugs in our communities, more illegal immigrants on our streets, and more incursions by foreign fishing vessels into our waters.

Mr. Speaker, the Coast Guard Personnel and Maritime Safety Act will improve the management of the Coast Guard, improve safety on our Nation's waterways, and provide added financial resources to help clean up oil spills.

Therefore, I strongly urge my colleagues to support passage of H.R. 1099, the Coast Guard Personnel and Maritime Safety Act of 2001.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a brief closing statement. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Minnesota (Mr. OBERSTAR) for their help in these matters, especially the gentleman from Alaska (Chairman YOUNG) for his advocacy of the Coast Guard.

I would like to urge each Member of this body to understand the job that the Coast Guard is doing every day, to stop making excuses for why we are not giving them the resources that they need to protect our environment, our natural resources, for drug interdiction, and all the other things that they do.

I think this is the year when we can join together shoulder to shoulder to make sure that we recognize the fine men and women of the Coast Guard and the job that they do and give them the resources necessary to continue their mission as dictated by Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 1099.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LOBIONDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed, and the vote will occur tomorrow.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1099.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

INDEPENDENT TELECOMMUNICATIONS CONSUMER ENHANCEMENT ACT OF 2001

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 496) to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes, as amended.

The Clerk read as follows:

H. R. 496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Telecommunications Consumer Enhancement Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Telecommunications Act of 1996 was enacted to foster the rapid deployment of advanced telecommunications and information technologies and services to all Americans by promoting competition and reducing regulation in telecommunications markets nationwide.

(2) The Telecommunications Act of 1996 specifically recognized the unique abilities and circumstances of local exchange carriers with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide.

(3) Given the markets two percent carriers typically serve, such carriers are uniquely positioned to accelerate the deployment of advanced services and competitive initiatives for the benefit of consumers in less densely populated regions of the Nation.

(4) Existing regulations are typically tailored to the circumstances of larger carriers and therefore often impose disproportionate burdens on two percent carriers, impeding such carriers' deployment of advanced telecommunications services and competitive initiatives to consumers in less densely populated regions of the Nation.

(5) Reducing regulatory burdens on two percent carriers will enable such carriers to devote additional resources to the deployment of advanced services and to competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(6) Reducing regulatory burdens on two percent carriers will increase such carriers' ability to respond to marketplace conditions, allowing them to accelerate deployment of advanced services and competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(b) PURPOSES.—The purposes of this Act are—

(1) to accelerate the deployment of advanced services and the development of competition in the telecommunications industry for the benefit of consumers in all regions of the Nation, consistent with the Telecommunications Act of 1996, by reducing regulatory burdens on local exchange carriers with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide;

(2) to improve such carriers' flexibility to undertake such initiatives; and

(3) to allow such carriers to redirect resources from paying the costs of such regulatory burdens to increasing investment in such initiatives.

SEC. 3. DEFINITION.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraphs (51) and (52) as paragraphs (52) and (53), respectively; and

(2) by inserting after paragraph (50) the following:

“(51) TWO PERCENT CARRIER.—The term ‘two percent carrier’ means an incumbent local exchange carrier within the meaning of section 251(h) whose access lines, when aggregated with the access lines of any local exchange carrier that such incumbent local exchange carrier directly or indirectly controls, is controlled by, or is under common control with, are fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide.”.

SEC. 4. REGULATORY RELIEF FOR TWO PERCENT CARRIERS.

Title II of the Communications Act of 1934 is amended by adding at the end thereof a new part IV as follows:

“PART IV—PROVISIONS CONCERNING TWO PERCENT CARRIERS

“SEC. 281. REDUCED REGULATORY REQUIREMENTS FOR TWO PERCENT CARRIERS.

“(a) COMMISSION TO TAKE INTO ACCOUNT DIFFERENCES.—In adopting rules that apply to incumbent local exchange carriers (within the meaning of section 251(h)), the Commission shall separately evaluate the burden that any proposed regulatory, compliance, or reporting requirements would have on two percent carriers.

“(b) EFFECT OF COMMISSION'S FAILURE TO TAKE INTO ACCOUNT DIFFERENCES.—If the Commission adopts a rule that applies to incumbent local exchange carriers and fails to separately evaluate the burden that any proposed regulatory, compliance, or reporting requirement would have on two percent carriers, the Commission shall not enforce the rule against two percent carriers unless and until the Commission performs such separate evaluation.

“(c) ADDITIONAL REVIEW NOT REQUIRED.—Nothing in this section shall be construed to require the Commission to conduct a separate evaluation under subsection (a) if the rules adopted do not apply to two percent carriers, or such carriers are exempted from such rules.

“(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit any size-based differentiation among carriers mandated by this