this bill is supported by the American Association of Retired People, the National Senior Citizens Law Center and the Federal Trade Commission.

During the meeting several Members shared stories about how their constituents have been affected by telemarketers who hide their identity.

I am proud as chairman of the advisory group to speak in favor of H.R. 3100 and would advise my colleagues from both sides of the aisle to support it.

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

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3100, as amended.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the amendment recommended by the Committee on Commerce and on the bill.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. BURR of North Carolina. 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.

AUTHORIZING ENFORCEMENT OF REGULATIONS ON CITIZENS BAND RADIO EQUIPMENT

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The Clerk read as follows:

H.R. 2346

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

SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

''(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final, but prior to seeking judicial review of such decision.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

''(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

''(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1). Probable cause shall be defined in accordance with the technical guidance provided by the Commission under paragraph (3).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2346.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 2346. It is an important initiative to improve compliance with FCC rules governing citizens band radio service.

Citizens band radio service can serve some very important functions. For instance, many people use CB radios in order to communicate in times of emergency. America's trucking community uses CB radios to report accidents and traffic problems on our Nation's highways and roadways. Many other people use CBs for simply short-distance communications, and others use it as a source of entertainment.

These constructive uses, however, are being overshadowed by the practice of a few bad actors. A number of individuals have taken advantage of the unlicensed nature of CB radio to operate outside the boundaries of FCC rules. In particular, a recurrent problem is CB users boosting their signal strength with power amplifiers. Further, some CB users operate outside the permit frequencies allocated for CB radio service.

When these violations occur, unexpected and potentially harmful interference can result for others who use the service. Traditionally, Congress has looked to the FCC to enforce its rules. In fact, current communications statutes give the FCC great authority to enforce its rules and take remedial action when the rules are not followed.

Unfortunately, the FCC has made clear that reported violations regarding CB radios will be investigated only as time, manpower and priorities permit. The FCC has also indicated that it will only investigate CB violations where there is convincing evidence that results from a violation of the rules has occurred, and then only on a low-priority basis.

H.R. 2346 is an effort to provide a back-up enforcement mechanism. Under H.R. 2346, a State or local government is given authority to enact a statute or ordinance requiring operators of CB radio service within their jurisdiction to obey FCC rules. Violators would be subject to enforcement by State or local government.

The bill is carefully drafted so as not to interfere with the FCC's enforcement authority and provides suspected offenders with an appeals process.

This noncontroversial bill was reported from the Committee on Commerce by voice vote and enjoys bipartisan support.

I commend the gentleman from Michigan (Mr. EHLERS) for his work on

this bill, and ask all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. DINGELL) from Michigan have spent a considerable amount of time dealing with an issue which I think should be of great concern to everyone because of the increase in its occurrence as a phenomenon.

We have millions of CB operators across the country. They have a lot of fun with it, and they do not really cause anybody any problems at all. They are kind of like the original Internet, in a lot of ways. They are out there with their own separate sets of networks on which they are able to communicate, and it is really a great thing for our country.

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But there has been a rising incidence of individuals using CB frequencies abusively. They actually build towers in their neighborhoods, and they start broadcasting over the CB frequency.

It has several severe adverse consequences for all of the rest of the people who live in the neighborhood. It has the effect of interfering with television broadcast reception. It has the impact of interfering with telephone reception. It has the impact of interfering with every electronic piece of equipment in the home.

Moreover, it has even more consequences. That is, the content of many of these CB frequency broadcasters is profane, and it interferes with the ability of families to be able to live in peace and quiet without having someone in the neighborhood broadcasting in a way that actually goes into the homes of others who live in that community.

The Federal Communications Commission does not have the resources to be able to deal with this essentially local phenomenon, this set of brush fires that are cropping up increasingly across the country in community after community.

What this legislation does is to give to the States the ability to move in and to enforce the laws which ensure that these neighborhood nightmares, these nuisances are shut down, and that those individuals use the CB frequency in the same way that the millions of others in America who use the CB frequency use it, that is, for their own enjoyment and not in a way which creates a nuisance for everyone else in their community.

Mr. Speaker, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. DINGELL), in my opinion, have done an excellent job on this legislation. I thank the gentleman from North Carolina (Mr. BURR) for bringing it out to the floor at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the bill's author.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BURR) for yielding me this time.

Mr. Speaker, I rise in support of the legislation that is before us which will combat unlawful use of citizen band radios. First of all, I want to thank the gentleman from Virginia (Chairman BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Massachusetts (Mr. MARKEY) for their assistance in bringing this legislation to the floor. I also thank the gentleman from North Carolina (Mr. BURR) for his active efforts here.

Mr. Speaker, I appreciate the time that they all have taken to address this problem and pass it through the Committee on Commerce.

This legislation is not only important to my district, but to many other cities that are dealing with the same problems that this bill addresses. For several years, many of my constituents have been fighting a losing battle against illegal CB radio operators. Most CB radio operators use their equipment within the low-power levels prescribed by the FCC rules and regulations and do not cause any problems. However, some users illegally boost the range of their home-based CB equipment by using high-powered external linear amplifiers. Also, occasionally, they modify the frequencies illegally.

When the CB level is amplified above legal levels, or the frequency is changed, it causes interference with television, radio and phone signals and damages other electronic equipment in the surrounding houses. The interference can be so bad that surrounding residents hear CB conversations over their televisions, radios, and phones. This can be extremely frustrating as telephone conversations can be cut off, television signals can be distorted, and other electronic equipment can suffer interference.

Sometimes it is so bad that neighbors have to suffer through profane and abusive language that is being picked up by their own television sets, radios, or telephones.

This is not an isolated problem. Most of the cosponsors of this legislation have exactly the same problems in their districts, and that is true of many other areas of the country as well.

The Federal Communications Commission (the FCC), knows about the problem and has outlawed the sale and the use of these amplifiers. However, they are still on sale for other purposes and can be easily modified for use with CB radios. Even worse, the FCC does not have the personnel to enforce the law. Localities are powerless to help, because the FCC has a total preemption over enforcing regulations regarding CB radio use.

The legislation before us will allow State and local authorities to enforce the FCC regulations regarding CB equipment and frequencies. This would be a narrow exemption from the total Federal preemption of CB radio regulation enforcement and would give residents recourse against an unlawful CB operator by capitalizing on the enforcement capabilities of local government and on the FCC's years of experience in setting rules governing CB use. In other words, the best of both worlds.

The intent of this provision is to allow State and local governments to pass ordinances that will mimic Federal law and allow for its enforcement.

Mr. Speaker, this legislation, let me emphasize, does not change what equipment is and is not legal. People who are operating CB equipment in accordance with the FCC rules will not be affected at all by this legislation. I have also worked with the ham radio operators (amateur radio operators) on this provision to ensure that their concerns about this legislation were addressed. Frankly, the ham radio operators in my district are very pleased with the bill. They were the ones who initiated it by asking me to address this particular problem, because it affected them as well.

The bill also contains a provision that exempts anyone who possesses a ham radio license from this legislation.

Lastly, the legislation contains a provision that specifically restates that local law enforcement officials must have just cause to investigate whether or not someone is operating an illegal amplifier before they take action against someone.

Just to summarize in a nutshell, we have a real Catch-22 at the moment. The Federal Government has the power to enforce these laws. Not only that, we preempt the law from other communities so that they cannot enforce them. And yet the Federal Government, through the FCC, does not enforce them. So we tell people we will enforce it, but we cannot enforce it. This bill resolves that problem by allowing those on the scene, the local law enforcement agencies, to deal with the problem that the Federal Government has preempted but does not enforce. I believe that this will be beneficial to everyone.

Mr. Speaker, in closing, I urge the House to approve this legislation. It is supported by the Committee on Commerce, the FCC, and local law enforcement officials. Again, I thank the leaders of the Committee on Commerce for bringing this bill to the floor.

Mr. MARKEY. Mr. Speaker, I do not have any other requests to speak at this time; and with the request to all Members to support this good piece of legislation, I yield back the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MARKEY). Again, I

thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Michigan (Mr. EHLERS), the authors of this bill. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 2346.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO TITLE X OF ENERGY POLICY ACT OF 1992

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992, as amended.

The Clerk read as follows:

H.R. 2641

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

SECTION 1. DATE EXTENSIONS.

Section 1001 of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended—

(1) in subsection (b)(1)(B)(i), by striking ''2002'' and inserting ''2007'';

(2) in subsection (b)(1)(B)(ii), by striking ''placed in escrow not later than December 31, 2002,'' and inserting ''incurred by a licensee after December 31, 2007,''; and

(3) in subsection (b)(2)(E)(i) by striking ''July 31, 2005'' and inserting ''December 31, 2008''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

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

Mr. Speaker, H.R. 2641 will make date extensions to title X of the Energy Policy Act of 1992, which specifies how and when the Federal Government reimburses the private sector licensees for the Federal Government's share of the cost of cleaning up uranium and thorium milling sites. We have learned that it costs a lot more and takes a lot longer to clean up these mill sites than we originally anticipated back in 1992, due in large part to the difficulties of dealing with groundwater contamination.

Therefore, H.R. 2641 makes some adjustments to the time line of the current reimbursement scheme to recognize these realities and to make sure that the government continues to pay its fair share of the cleanup costs.

The current scheme of reimbursement on an annual basis is due to end in 2002, with DOE required to place into escrow sufficient funds to cover the estimated post-2002 costs. Both industry and the Department of Energy want to continue the current arrangement of reimbursement of actual costs on an annual basis for several more years until all or almost all of this cleanup work is completed.

This bill was changed significantly as it moved through the committee process. I commend the Members and staff on both sides of the aisle, particularly the gentleman from Oklahoma (Mr. LARGENT), for working to improve this bill. What is before the House today was reported out of the Committee on Commerce with unanimous bipartisan support.

Mr. Speaker, H.R. 2641 represents an effective compromise measure that has the full support of the Department of Energy and the industry. I urge Members on both sides of the aisle to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 2641, which makes constructive and noncontroversial changes to title X of the Energy Policy Act of 1992.

I want to thank the gentlewoman from Wyoming (Mrs. CUBIN), the gentleman from Texas (Chairman BARTON) of our Subcommittee on Energy and Power, the gentleman from Oklahoma (Mr. LARGENT), and their respective staffs for working with us at the subcommittee level and at the level of the full House Committee on Commerce to address a range of concerns that the minority originally had concerning these provisions.

As the gentlewoman from Wyoming indicated, the bill reported by the Committee on Commerce makes a number of useful administrative changes to the uranium and thorium mill tailings cleanup program. First, it extends for 5 additional years the period during which licensees may apply to the Department of Energy for reimbursement of their share of the costs of approved cleanup projects.

Secondly, the bill eliminates the requirement that certain funds be placed in escrow which will benefit all licensees by providing more flexibility to provide reimbursements for completed projects.

And third, the bill extends the date by which the Secretary of Energy must determine that there are excess funds for cleaning up the gaseous diffusion plants. These changes reflect the reality that while the title X cleanup program has been largely successful, the work has taken longer than expected. I would stress, however, that the bill does not alter the formula for Federal reimbursement or in any way increase the program's previously authorized spending ceiling.

The bill reported by the Committee on Commerce is supported by both the administration and industry. It has bipartisan support, and I am pleased to join with the gentlewoman in urging the approval by the House of this measure. I want to thank her, the gentleman from Texas (Chairman BARTON) of our Subcommittee on Energy and Power, and the leadership of the full Committee on Commerce for their cooperation in addressing the concerns we originally had.

Mr. Speaker, I reserve the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. CUBIN) for yielding me just a moment of time to talk about H.R. 2641.

Mr. Speaker, I rise in support of H.R. 2641 to make technical corrections to title X of the Energy Policy Act of 1992. This legislation is a clean reauthorization that extends the program of annual reimbursements for 5 more years to clean up uranium and thorium mill tailings sites by extending these reimbursements for 5 more years. It eliminates the requirement for DOE to place into escrow sufficient funds to cover estimated post-2002 cleanup costs, and it changes the date when the Secretary must determine whether any excess funds remain from 2005 until 2008.

H.R. 2641 is a bipartisan bill reported out unanimously by the Committee on Commerce. The bill is supported by the Department of Energy, by industry, and by the PACE union which represents workers at the gaseous diffusion plants.

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H.R. 2641 will keep the industry licensees focused on completing their cleanup work and will keep DOE focused on reimbursing its fair share of the cleanup costs.

Finally, I want to thank Kevin Cook from the Committee on Commerce for all of his fine work; Sue Sheridan from the staff of the gentleman from Michigan (Mr. DINGELL) for her efforts and cooperation and from the staff of the gentlewoman from Wyoming (Mrs. CUBIN), Bryan Jacobs for all of his work and time on this bill.

Mr. Speaker, finally, I would just add that this bill is environmentally sound and responsible and economically sound, fiscally sound and responsible as well.

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

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

Mr. Speaker, once again I want to thank the staffs on both sides of the