

provide Internet access and telephone service, in addition to traditional television programming. Confusion over whether section 631 of the Communications Act or the Electronic Communications Privacy Act (ECPA) applies to cable operator disclosures of information about their subscribers to government entities could hamper or delay government investigations. In the wake of the terrorist attacks against the United States on September 11, 2001, we as policymakers have examined ways in which to improve law enforcement's ability to trace, intercept, and obtain records of the communications of terrorists and other criminals with great speed, regardless of the mode of transmission. Clarifying which law applies when will greatly assist law enforcement in their antiterrorism, investigative efforts.

Therefore, as the committee of jurisdiction over this issue, the Energy and Commerce Committee worked with the Department of Justice, and the Senate Commerce Committee, to arrive at language now found in section 211 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, that clarifies that cable television subscribers continue to enjoy certain privacy protections, while also ensuring that law enforcement officials have the same ability to gain access to cable subscriber Internet and telephony information as they do with conventional telephone service.

The drafters of this language intend the phrase "records revealing cable subscriber selection of video programming from a cable operator" to mean information about which video programming service or services a cable subscriber has purchased from a cable company. It does not include information such as a cable subscriber's name, address, or the means of payment. Importantly, this language does not impose any new requirements on cable companies to maintain or collect additional records containing subscriber information.

"Video programming" is intended to refer to traditional video programming services comparable to broadcast television, see 47 U.S.C. 522 (20), as opposed to the emerging types of video programming services that enable subscribers to communicate with other viewers or subscribers. Nor does "video programming" include streaming of content over the Internet.

Moreover, to the extent a cable company enables its subscribers to communicate with other persons through the provision of telephone service or Internet access service, it must comply with the same laws, found in title 18, governing the interception and disclosure of wire and electronic communications that apply to any other telephone company or Internet service provider. In these instances, Section 631 simply would not apply. Under Title 18, providers of these interactive services are not required to provide notice to their subscribers when disclosing information to a governmental entity, and in certain cases may disclose information without a court order.

With this clarification, cable companies will be in a better position to assist law enforcement with their anti-terrorism, investigative efforts without fear of violating other provisions of the law. Thank you.

CHILOQUIN DAM FISH PASSAGE
FEASIBILITY STUDY ACT OF 2001

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. DEFAZIO. Mr. Speaker, nobody could have foreseen the devastating drought that has besieged Oregon over the past year. The lack of water has adversely effected agriculture, energy generation, recreation, and fish and wildlife habitat. The Klamath Basin in Southern Oregon and Northern California has suffered particular hardship through this drought. The snowpack and rainfall that supply the Basin with life-sustaining water are critical to the economic viability of the Basin, and have been significantly below normal. Because the federal government, through the Bureau of Reclamation, has encouraged the Basin's dependence with nearly a century of promised federal water allocation, this Congress has an obligation to take further steps to provide further funding for relief and mitigation.

The Chiloquin Dam, on the Sprague River, currently blocks as much as ninety percent of the spawning grounds for two species of listed as endangered suckerfish. This bill, H.R. 2585, to study the feasibility of increasing fish passage at Chiloquin Dam, would be a modest but important step toward providing a long-term solution for the Basin's water shortage.

Last spring, the federal government announced that many of the irrigators in the Klamath Basin would not receive their annual deliveries of water from Upper Klamath Lake. This decision was largely based upon the U.S. Fish and Wildlife's portion of the biological opinion stating that water levels in Upper Klamath Lake must remain at a certain level to protect the endangered suckerfish. By improving fish passage at Chiloquin Dam in the Modoc Point Irrigation District, we can be proactive in recovering suckerfish populations. Hopefully, working toward full recovery of the species will eventually result in a delisting, thus providing for fewer restrictions on lake levels and more flexible water management.

The situation in the Basin has been exacerbated by judges' rulings and the application of the Endangered Species Act (ESA). In 1995, as a member of the House Resources Committee, I voted in favor of reforming the ESA. The bill I supported, authored by a moderate Republican, would have maintained the core principles of the ESA, but could have prevented the fish versus people situation that we now have. The reforms would have involved the state in any proposed species listing. It would have allowed the state to propose an HCP or long term recovery strategy to prevent a listing. It would have also clarified the process to weigh social and economic impacts prior to listing. Unfortunately, the moderate, bipartisan reforms I supported were rejected by Chairman Young. Instead, he pushed for a virtual repeal of the ESA. The Chairman's radical approach to reforming the ESA was flatly rejected by the Republican leadership.

The ESA expired in 1992. With exception of the 1995 attempt, the Republican House leadership has scheduled no action to review, reform, or re-authorize the ESA. Unfortunately, it continues to be authorized year to year, without change, through appropriations riders.

Hopefully, the dire circumstances in the Klamath Basin and elsewhere will be a catalyst for the House to properly re-authorize and reform the ESA.

I am pleased to be working with Mr. Walden, and many members of the Oregon and California delegations, to find reasonable short and long term solutions to the situation in the Basin. This bill can provide for one of those reasonable solutions. I urge adoption of H.R. 2585, the Chiloquin Dam Fish Passage Feasibility Study Act.

TRIBUTE TO MAE GRAYSON
HAMILTON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. ROSS. Mr. Speaker, I wish to pay tribute to the life and accomplishments of my friend, Mae Grayson Hamilton, who passed away on October 17, 2001, in Little Rock, Arkansas.

A Dumas, Arkansas, native, Mae was a longtime teacher in the public school system in my hometown of Prescott. During the course of her career, she enriched the lives of generations of Prescott school children through her love for her students and dedication to teaching. As an educator, she was an active member of the National Education Association, the Arkansas Education Association, the Literacy Council and the Nevada County Retired Teachers Association.

Mae was also a devoted member of the Macedonia Missionary Baptist Church in Broughton, Arkansas. In the church, she served as a deaconess and a member of the Hospitality Committee, the Outreach Mission and the Women's Missionary Society. In addition, she gave of her time to be Children's Church Coordinator and Chair of the Program Committee.

Mae Grayson Hamilton was truly a role model not only to our young people, but to all those who knew her well. Her passing is a great loss to her former students, her church family, and all the people of Nevada County. I am grateful for her lifelong commitment to education and her community, and I was proud to represent her in the United States House of Representatives.

My heart goes out to Mae's husband, Johnny Hamilton, Jr., and her two daughters, Michele Hamilton Rhodes and Nicole Hamilton, and my thoughts and prayers are with all her family and friends.

TRIBUTE TO THE GOVERNMENT
OF THE REPUBLIC OF TURKEY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2001

Mr. WEXLER. Mr. Speaker, I would like to extend my sincere congratulation to the people and Government of the Republic of Turkey as they celebrate the seventy-eighth anniversary of the founding of their nation by Mustafa Kemal Atatürk on October 29th. This celebration is an important opportunity to highlight the