

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following:

“Sec. 48A. Broadband credit.”.

(e) REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband credit under section 48A of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48A of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48A of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48A of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48A of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2001, and before January 1, 2003.

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND DISCHARGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 637, and that the Commerce Committee be discharged from further consideration of the nomination of John McGaw to be Under Secretary of Transportation for Security; that the nominations be confirmed, the motions to reconsider be laid upon the table the President be immediately notified of the Senate's action; that any statements relating to the nominations be printed in the RECORD; and that the Senate return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

INTER-AMERICAN DEVELOPMENT BANK

Jorge L. Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank, vice Lawrence Harrington.

DEPARTMENT OF TRANSPORTATION

John Magaw, of Maryland, to be Under Secretary of Transportation for Security for a term of five years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

VALUATION OF NONTRIBAL INTEREST OWNERSHIP OF SUBSURFACE RIGHTS WITHIN BOUNDARIES OF ACOMA INDIAN RESERVATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 1913, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1913) to require valuation of nontribal ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1913) was read the third time and passed.

FEASIBILITY STUDIES OF WATER RESOURCE PROJECTS IN THE STATE OF WASHINGTON

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 1937, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1937) to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1937) was read the third time and passed.

ORDERS FOR TUESDAY, JANUARY 29, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Tuesday, January 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate be in a period for morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each; further, that at 11 a.m., the Senate resume consideration of H.R. 622, with the Durbin amendment pending; that there be 30 minutes of debate on the amendment equally divided in the usual form, prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we can expect a full day tomorrow. We should have some votes after this one in the afternoon. In addition, we are going to be honored by the appearance of the President to give his State of the Union speech tomorrow evening.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Tuesday, January 29, 2002, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 2002:

DEPARTMENT OF JUSTICE

PAUL I. PEREZ, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA, FOR THE TERM OF FOUR YEARS, VICE DONNA A. BUCELLA, RESIGNED.

ROSLYNN R. MAUSKOPF, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE LORETTA E. LYNCH, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

DAVID W LUNT, 0000

To be lieutenant

JONATHAN A ALEXANDER, 0000

MICHELLE C BAS, 0000

CURTIS E BRILLAND, 0000

RACHAEL B BRALLIAR, 0000

CHARLOTTE B BROGA, 0000

KEVIN F BRUEN, 0000

JOSEPH M CARROLL, 0000

STEPHEN H CHAMBERLIN, 0000

ROCKY L COLE, 0000

ISMAEL CURET, 0000

DIMITRI A DELGADO, 0000