

“(A) the term ‘fiber feeder subloop’ means the entirely fiber optic cable portion of the local loop between the feeder/distribution interface (or its equivalent) and a distribution frame (or its equivalent) in an incumbent local exchange carrier central office, including all features, functions, and capabilities of such portion of the local loop;

“(B) the term ‘fiber local loop’ means an entirely fiber optic cable transmission facility, including all features, functions, and capabilities of such transmission facility, between a distribution frame (or its equivalent) in an incumbent local exchange carrier central office and the loop demarcation point at an end-user customer premise;

“(C) the term ‘packet switching network element’—

“(i) means a network element that performs, or offers the capability to perform—

“(I) the basic packet switching function of routing or forwarding packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells, or other data units, including the functions that are performed by digital subscriber line access multiplexers; or

“(II) any successor to the functions described in clause (i);

“(ii) includes such element on a stand-alone basis, or as a part of a combination with one or more other network elements; and

“(iii) does not include elements of the signaling system 7 network transmitting signaling information between switching points;

“(D) the term ‘remote terminal’ means a controlled environment hut, controlled environment vault, cabinet, or other structure at a remote location between the central office and a customer’s premises; and

“(E) the term ‘signaling system 7 network’ means the network that uses signaling links to transmit routing messages between switches and between switches and call related data bases.”

Page 7, line 3, strike the close quotation marks and the following period, and after such line insert the following:

“(d) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding subsection (a), such subsection shall not restrict or affect in any way the authority of the Commission—

“(1) to adopt regulations to prohibit un solicited commercial e-mail messages;

“(2) to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

“(3) with respect to—

“(A) customer proprietary network information, as provided in section 222;

“(B) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

“(C) with respect to access by persons with disabilities, as provided in section 255.”

Page 6, line 12, insert before the period the following: “that is not imposed or required on the date of enactment of this section”.

Mr. TAUZIN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the 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; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 157, not voting 4, as follows:

[Roll No. 45]

AYES—273

Ackerman	Filner	Lewis (KY)
Aderholt	Fletcher	LoBiondo
Akin	Foley	Lowey
Allen	Ford	Lucas (KY)
Armey	Fossella	Lucas (OK)
Baca	Frost	Lynch
Bachus	Gallegly	Maloney (CT)
Baker	Ganske	Manzullo
Baldwin	Gekas	Matheson
Ballenger	Gephardt	Matsui
Barcia	Gibbons	McCarthy (NY)
Barr	Gillmor	McCrery
Barton	Gonzalez	McGovern
Bass	Goodlatte	McHugh
Becerra	Gordon	McIntyre
Bentsen	Graham	McKeon
Berry	Granger	McNulty
Bilirakis	Graves	Meek (FL)
Bishop	Green (TX)	Meeks (NY)
Blagojevich	Green (WI)	Menendez
Blunt	Greenwood	Millender-
Boehler	Grucci	McDonald
Boehner	Gutierrez	Miller, Dan
Bonilla	Gutknecht	Miller, Gary
Bonior	Hall (OH)	Mollohan
Bono	Hall (TX)	Moran (KS)
Boozman	Hart	Morella
Boucher	Hastings (FL)	Murtha
Boyd	Hayes	Myrick
Brady (PA)	Herger	Neal
Brady (TX)	Hill	Ney
Brown (FL)	Hillery	Northup
Brown (SC)	Hilliard	Norwood
Bryant	Hinojosa	Nussle
Burr	Hobson	Olver
Burton	Holden	Ortiz
Buyer	Horn	Ose
Callahan	Hostettler	Otter
Calvert	Houghton	Oxley
Camp	Hoyer	Pascrell
Capito	Hulshof	Pastor
Capuano	Hunter	Payne
Cardin	Hyde	Pence
Carson (IN)	Issa	Petri
Chambliss	Istook	Phelps
Clay	Jackson (IL)	Pombo
Clayton	Jackson-Lee	Portman
Clement	(TX)	Price (NC)
Clyburn	Jefferson	Pryce (OH)
Collins	Jenkins	Putnam
Combest	John	Quinn
Condit	Johnson (CT)	Radanovich
Cooksey	Johnson (IL)	Rahall
Cramer	Jones (NC)	Rangel
Crane	Jones (OH)	Reyes
Crenshaw	Kanjorski	Reynolds
Crowley	Kelly	Riley
Culberson	Kennedy (MN)	Rodriguez
Cummings	Kennedy (RI)	Rogers (KY)
Cunningham	Kerns	Ros-Lehtinen
Davis (IL)	Kildee	Ross
Davis, Jo Ann	Kind (WI)	Roukema
Deal	King (NY)	Rush
DeLauro	Kirk	Ryan (WI)
DeLay	Kleczka	Ryun (KS)
Diaz-Balart	Knollenberg	Sanchez
Dicks	LaHood	Sandlin
Dingell	Lampson	Sawyer
Doolittle	Langevin	Saxton
Edwards	Lantos	Schiff
Ehlers	Larsen (WA)	Schrock
Emerson	Larson (CT)	Sensenbrenner
Engel	LaTourette	Serrano
English	Levin	Sessions
Everett	Lewis (CA)	Shaw
Ferguson	Lewis (GA)	Sherman

Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland

Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns

Turner
Upton
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wynn

NOES—157

Abercrombie
Andrews
Baird
Barrett
Bartlett
Bereuter
Berkley
Berman
Biggart
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Cantor
Capps
Carson (OK)
Castle
Chabot
Coble
Conyers
Costello
Cox
Coyne
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeMint
Deutsch
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Flake
Forbes
Frank
Frelinghuysen
Gilchrist
Goode
Goss
Hansen
Harman

Hastings (WA)
Hayworth
Hefley
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hoolley
Inslie
Isakson
Israel
Johnson, E. B.
Johnson, Sam
Kaptur
Keller
Kilpatrick
Kingston
Kolbe
Kucinich
LaFalce
Latham
Leach
Lee
Linder
Lipinski
Lofgren
Luther
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McInnis
McKinney
Meehan
Mica
Miller, George
Miller, Jeff
Mink
Moore
Moran (VA)
Nadler
Napolitano
Nethercutt
Oberstar
Osborne
Owens
Pallone
Paul
Pelosi

Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Ramstad
Regula
Rehberg
Rivers
Roemer
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Royce
Sabo
Sanders
Schaffer
Schakowsky
Scott
Shadegg
Shays
Skeen
Skelton
Slaughter
Solis
Stark
Stump
Stupak
Sununu
Taylor (MS)
Thune
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—4

Baldacci
Cubin

Gilman
Traficant

□ 1654

Ms. MILLENDER-McDONALD changed her vote from “no” to “aye.” So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Clerk be

authorized to make necessary technical, conforming and clerical corrections in the enrollment of the bill, H.R. 1542.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 1542, the bill just passed.

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

There was no objection.

COMMUNICATION FROM THE HON. HOWARD L. BERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HOWARD L. BERMAN, Member of Congress:

WASHINGTON, DC,
February 25, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with civil subpoenas for documents and testimony issued by the United States District Court for the Central District of California in a civil case pending there. The testimony and documents sought relate in part to the official functions of the House.

After consultation with the Office of General Counsel, I will determine whether it is consistent with the privileges and rights of the House to comply with the subpoenas, to the extent that they seek testimony and documents that relate to the official functions of the House.

Sincerely,

HOWARD L. BERMAN,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

(Mr. GANSKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE CASE OF JOSEPH SALVATI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to talk about what I think is one of the greatest miscarriages of justice ever heard of or ever seen in this Nation.

As some people know, I spent 7½ years before coming to Congress as a criminal court judge in Tennessee trying felony criminal cases, the murders, the rapes, the armed robberies, the burglary cases, the most serious cases. But I want to talk briefly today about the Joseph Salvati case, a case in which a man whom the FBI knew was innocent and yet they still kept him in prison for more than 30 years, a man with a wife and, I think, four children. It is just horrendous to think about what was done to this man by our own Federal Government, a man that they knew was innocent. They did not discover that he was innocent after he had been in prison for 25 years. They knew before he went to prison that he was innocent.

First of all, I want to start by expressing my great admiration and respect for the courage and determination of the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, in conducting several hearings about this terrible miscarriage of justice that I am talking about here. This is my 14th year in the Congress. I have been shocked by this Joseph Salvati case and all that I have heard in the hearings that Chairman BURTON has had so far, but I want to read to you the first paragraph of Chairman BURTON's opening statement, because I am a member of three different committees, five separate subcommittees, I have participated in hundreds, maybe even several thousand of committee and sub-

committee hearings since I have been in the Congress, and I have never heard a more shocking statement in a congressional hearing than I heard Chairman BURTON give. In fact, I have heard him now give it on two occasions.

His opening statement, the first paragraph said, "The United States Department of Justice allowed lying witnesses to send men to death row. It stood by idly while innocent men spent decades behind bars. It permitted informants to commit murder. It tipped off killers so that they could flee before they were caught. It interfered with local investigations of drug dealing and arms smuggling. And then when people went to the Justice Department with evidence about murders, some of them ended up dead."

□ 1700

Now, that is a statement by the gentleman from Indiana (Chairman BURTON). As I said, I think it is the most shocking statement I have ever heard made in a congressional investigation.

I do not really know what all is behind everything that is in that statement. I know it is far more than just the Salvati case from Massachusetts, which, as I say, was a case in which the Justice Department kept a man in prison for more than 30 years for something that they knew all along that he did not do.

But I will say this: anyone who is not totally, completely shocked by what the gentleman from Indiana (Chairman BURTON) said in that statement that I just read and who is not totally completely shocked by the Salvati case should reexamine his or her commitment to true justice and to our legal system.

The primary purpose of the law and our legal system should be to protect the freedom and liberty of innocent citizens. That should be the primary purpose and goal of our legal system. Our term "justice" can be defined in many ways; but in the end, it should and does mean fairness, simple fairness from one human being to another. Justice should mean fairness to all.

Apparently, you had and still have Justice Department and FBI bureaucrats who are so blinded by arrogance and power that they can no longer see what true justice means. To me, this is shocking. The FBI and the Justice Department are still refusing to turn over documents and papers on the Salvati case and on some of these other cases to the gentleman from Indiana (Chairman BURTON), even though these cases are many years old. The Salvati case, as I say, occurred more than 30 years ago.

Joseph Califano, who was a member of the Cabinet and a top adviser to Presidents Clinton and Carter, wrote in a column a few weeks ago in the Washington Post and said, "In the war against terrorism, which all of us support, we are missing a very alarming problem that is growing by leaps and bounds," and that is what he described