

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 4679.

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.

BORDER SMOG REDUCTION ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 8) to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Smog Reduction Act of 1998".

SEC. 2. AMENDMENT OF CLEAN AIR ACT.

Section 183 of the Clean Air Act (42 U.S.C. 7511b) is amended by adding at the end the following:

"(h) VEHICLES ENTERING OZONE NONATTAINMENT AREAS.—

"(1) AUTHORITY REGARDING OZONE INSPECTION AND MAINTENANCE TESTING.—

"(A) IN GENERAL.—No noncommercial motor vehicle registered in a foreign country and operated by a United States citizen or by an alien who is a permanent resident of the United States, or who holds a visa for the purposes of employment or educational study in the United States, may enter a covered ozone nonattainment area from a foreign country bordering the United States and contiguous to the nonattainment area more than twice in a single calendar-month period, if State law has requirements for the inspection and maintenance of such vehicles under the applicable implementation plan in the nonattainment area.

"(B) APPLICABILITY.—Subparagraph (A) shall not apply if the operator presents documentation at the United States border entry point establishing that the vehicle has complied with such inspection and maintenance requirements as are in effect and are applicable to motor vehicles of the same type and model year.

"(2) SANCTIONS FOR VIOLATIONS.—The President may impose and collect from the operator of any motor vehicle who violates, or attempts to violate, paragraph (1) a civil penalty of not more than \$200 for the second violation or attempted violation and \$400 for the third and each subsequent violation or attempted violation.

"(3) STATE ELECTION.—The prohibition set forth in paragraph (1) shall not apply in any State that elects to be exempt from the prohibition. Such an election shall take effect upon the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(4) ALTERNATIVE APPROACH.—The prohibition set forth in paragraph (1) shall not apply in a State, and the President may implement an alternative approach, if—

"(A) the Governor of the State submits to the President a written description of an alternative approach to facilitate the compliance, by some or all foreign-registered motor vehicles, with the motor vehicle inspection and maintenance requirements that are—

"(i) related to emissions of air pollutants;

"(ii) in effect under the applicable implementation plan in the covered ozone nonattainment area; and

"(iii) applicable to motor vehicles of the same types and model years as the foreign-registered motor vehicles; and

"(B) the President approves the alternative approach as facilitating compliance with the motor vehicle inspection and maintenance requirements referred to in subparagraph (A).

"(5) DEFINITION OF COVERED OZONE NONATTAINMENT AREA.—In this section, the term 'covered ozone nonattainment area' means a Serious Area, as classified under section 181 as of the date of enactment of this subsection."

SEC. 3. GENERAL PROVISIONS.

(a) IN GENERAL.—The amendment made by section 2 takes effect 180 days after the date of enactment of this Act. Nothing in that amendment shall require action that is inconsistent with the obligations of the United States under any international agreement.

(b) INFORMATION.—As soon as practicable after the date of enactment of this Act, the appropriate agency of the United States shall distribute information to publicize the prohibition set forth in the amendment made by section 2.

SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impact of the amendment made by section 2.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall compare—

(1) the potential impact of the amendment made by section 2 on air quality in ozone nonattainment areas affected by the amendment; with

(2) the impact on air quality in those areas caused by the increase in the number of vehicles engaged in commerce operating in the United States and registered in, or operated from, Mexico, as a result of the implementation of the North American Free Trade Agreement.

(c) REPORT.—Not later than July 1, 1999, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the findings of the study under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 8, the Border Smog Reduction Act of 1998, and I want to thank the chairman of the Subcommittee on Health and the Environment, the gentleman from Florida (Mr. BILIRAKIS) for his effort in guiding H.R. 8 through the legislative process.

Throughout the entire consideration of this bill, the gentleman from Florida

(Mr. BILIRAKIS) worked with his colleagues on both sides of the aisle to ensure that any concerns were resolved in a bipartisan fashion.

I also want to thank and commend the gentleman from California (Mr. BILBRAY), the author of this legislation. Over 2 years ago the gentleman from California identified a very real environmental problem on the border between the United States and Mexico, and attempted to frame an effective solution. He introduced legislation, requested hearings in the Committee on Commerce, and was the driving force behind bringing H.R. 8 to markup.

Indeed, even after the Committee on Commerce and full House approved H.R. 8, the gentleman from California (Mr. BILBRAY) did not let up. He crossed Capitol Hill and personally lobbied members of the other body to ensure that this legislation would see action during the present session.

The gentleman understood very well that it takes a great deal of effort for Congress to consider and improve any bill, and in every stage of the process he was there on the legislative grid iron moving the ball forward. We are now at the one yard line thanks to the gentleman. With approval of H.R. 8 today, the bill will be sent to the President for his signature.

Certain changes have been made in H.R. 8 by the other body. All changes are agreeable to the Committee on Commerce and were the result of bipartisan discussions between the majority and minority on our committee. I know of no opposition to the final version of this legislation.

In brief, by agreeing to H.R. 8, as amended by the Senate, we will establish a program to deny entry into the United States of certain noncommercial foreign registered vehicles at the southern California border crossing. While these vehicles will be allowed to cross into the United States twice each month, they will be denied further entry unless they comply with existing State laws designed to ensure that the vehicles meet applicable emissions standards.

There is also flexibility in the legislation to continue either the sanctions provided in the bill, or to design an alternative system addressing some or all foreign registered vehicles. Any alternative system, however, must be approved by the President.

Again, I want to thank the gentleman from California (Mr. BILBRAY) for all of his hard work. H.R. 8 is a testament to the dedication and determination of the gentleman to make life better for citizens on both sides of the border.

The Border Smog Reduction Act of 1998 will result in both cleaner air and more equitable treatment between domestic and foreign-registered vehicles.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express support for H.R. 8, the Border Smog Reduction Act.

In July of this year, the House passed H.R. 8. At the end of September the Senate Committee on Environment and Public Works passed the bill without amendment on a voice vote. Just days after the committee's action in the Senate, however, majority and minority members of the House Committee on Commerce and Senate Committee on Environment and Public Works agreed to revise the bill in order to address concerns about how the bill might apply to States other than California.

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This week the Senate passed an amendment and improved H.R. 8, which we consider today. I would like to thank the gentleman from California (Mr. BILBRAY), the gentleman from California (Mr. WAXMAN), the gentleman from Virginia (Mr. BLILEY), and the gentleman from Florida (Mr. BILIRAKIS) for making several important improvements to this legislation.

Unlike the version of H.R. 8 passed by the House in July, the Senate-passed bill applies to the California-Mexico border only. The Senate-passed bill retains important language which I offered in committee to study the effects of the North American Free Trade Agreement on air quality in communities along the U.S.-Mexico border.

The provision requires the General Accounting Office to conduct a study comparing the potential effect of this legislation on air quality in ozone non-attainment areas with air quality in these same areas caused by vehicles registered in or operating from Mexico as a result of implementation of NAFTA.

It is difficult to imagine that the increased commercial truck traffic, much of it brought about by NAFTA, is not adding significantly to the non-attainment problems in Southern California.

The environmental devastation brought on by NAFTA is a serious problem on both sides of the border, created by both sides of the border. I hope that this study will provide critical information on the effect this increased traffic under NAFTA is having on air quality in our border areas.

Again, I would like to thank my colleague and chairman, the gentleman from Virginia (Mr. BLILEY), the gentleman from California (Mr. BILBRAY), and the gentleman from Florida (Mr. BILIRAKIS), the gentleman from California (Mr. WAXMAN) and the gentleman from Michigan (Mr. STUPAK) for working together to resolve the concerns many of us have with this legislation. H.R. 8 has been significantly improved from the version originally introduced.

Mr. Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida

(Mr. BILIRAKIS), the chairman of the Subcommittee on Health and Environment.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I am pleased that the House is considering H.R. 8, the Border Smog Reduction Act, as amended by the Senate. I also want to express my gratitude to the gentleman from Virginia (Chairman BLILEY), to the ranking member, the gentleman from Michigan (Mr. DINGELL), the ranking member, the gentleman from Ohio (Mr. SHERROD BROWN), and our staff and all the members of the subcommittee particularly for their work on this issue.

As I am sure our friend and colleague, the gentleman from California (Mr. BILBRAY) will attest, today's legislative action did not happen overnight. Instead, today represents a culmination of many hours of work by the gentleman from California (Mr. BILBRAY) and the Subcommittee on Health and Environment to review this legislation to solicit the opinion of Members of Congress, both on and off the committee, and to work with the administration to address any concerns.

The gentleman from California (Mr. BILBRAY) and the city of San Diego hosted a hearing in November of last year attended by 5 members of the subcommittee, wherein we were able to speak with environmental people, with the general public, and we also visited a location on the border and saw firsthand the problems that we are trying to improve and to correct.

We also worked closely with our colleagues in the other body to ensure that the final adjustments to the legislative language of H.R. 8 were acceptable to the House.

Indeed, at every stage of the process of considering this legislation, the majority and minority closely reviewed and agreed upon all changes. The final legislation attempts to address air quality conditions in an evenhanded fashion.

Certain foreign-registered commuter vehicles not meeting State inspections and maintenance requirements will be denied entry into the United States in the California-Mexico border area after being given two opportunities each month to obtain proper State certification. However, public notice of the new prohibitions is required prior to the implementation of the act.

There is also flexibility provided to design an alternative system if the State so desires and the President approves that alternative system.

Taken as a whole, Mr. Speaker, the legislation seeks to obtain the same emission reductions from foreign-registered vehicles as are obtained from vehicles owned and operated solely in the United States.

The United States Environmental Protection Agency considers vehicle inspection and maintenance programs to be one of the most cost-effective

measures we can take to clear the air. Thus, H.R. 8 allows us to fill an apparent hole in our Clean Air Act enforcement network.

The bill will help ensure that air quality on both sides of the border can make the progress necessary to obtain compliance with the national ambient air quality standards.

Again, I want to commend the gentleman from California (Mr. BILBRAY) for his hard work and dedication to this issue, and I know that his interest in this legislation stems from a strong desire to improve air quality in border regions, and to achieve an equitable burden-sharing between domestic and foreign mobile sources.

I think that establishing such equity is an important element in maintaining respect for the implementation of our environmental laws. I want to thank the gentleman and the ranking minority member of my subcommittee, again, the gentleman from Ohio (Mr. BROWN), for helping to ensure that this bill becomes law in the present session.

Mr. BLILEY. Mr. Speaker, it is a great pleasure to yield 3 minutes to the gentleman from California (Mr. BILBRAY), the author of this legislation.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I rise today in strong support of H.R. 8, the Border Smog Reduction Act. H.R. 8 is a bipartisan commonsense approach to an environmental problem that has been identified along our Mexican border for all too long. It is common sense in the manner that it completely connects the concept that those who wish to gain economic opportunities must also bear environmental responsibilities. At the heart of this bill is the basic concept that fairness is essential in the enforcement of our environmental regulations within this country and among nations.

I would ask Members to remember that with H.R. 8, we are asking our Federal agencies to now be included in assisting the enforcement of environmental regulations that the Federal Government has mandated on the local communities along our borders.

Mr. Speaker, at this time I would like to make sure that I have identified and thanked my colleagues for the immense amount of help that has been given to this Member in moving along the Smog Reduction Act—by the subcommittee chairman, the gentleman from Florida (Mr. MICHAEL BILIRAKIS), by the full chairman, the gentleman from Virginia (Mr. TOM BLILEY), and specifically staff member, Bob Meyers, who worked hard in making sure that H.R. 8 did become law.

The oversight chairman, the gentleman from Texas (Mr. JOE BARTON) actually was one of the original co-authors of this bill in the 104th Congress, and the experience of Texas in this process was actually enhanced by the support of the gentleman from El

Paso, Texas (Mr. SYLVESTRE REYES), with his extensive background in border issues.

At the same time, in the other body, Senator CHAFEE and Senator INHOFE have been very, very supportive in getting this bill through the Senate.

I would also at this time like to strongly praise my colleague and ranking member, the gentleman from Ohio (Mr. SHERROD BROWN) for his aid in making this bill possible, and my colleague, the gentleman from California (Mr. HENRY WAXMAN).

Mr. Speaker, this bill is a model, not only for those of us in the House to be able to work in a bipartisan way to address environmental problems, but also a model of the fact that we are no longer going to ignore the environmental challenges along our frontiers. In fact, it is reflective of the strategy that we are going to use the economic opportunities of international trade as a vehicle to focus on environmental problems that have been ignored for all too long.

Mr. Speaker, I would like to state quite clearly my appreciation to the entire governmental structure in Washington, for once addressing these problems, faced by those of us who live along the border. I look forward to working together with my colleagues on both sides of the aisle, and working with the Republic of Mexico, and Canada, in making sure that current and future problems, faced such as smog problems along the border are addressed, along with many others. I think this can be a vehicle that we can use as a blueprint here in the House of Representatives and in the Senate and hopefully in our continuing relationships with our neighbors to the north and south.

I ask Members' support for H.R. 8. It is a common-sense approach to addressing an important public health issue, and at the same time assessing what more can be done to make sure that we properly address those remaining issues that have not been addressed comprehensively. Mr. Speaker, I ask for the passage of H.R. 8.

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

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

The SPEAKER pro tempore (Mr. NEY). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and concur in the Senate amendments to H.R. 8.

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

A motion to reconsider was laid on the table.

CHILD ONLINE PROTECTION ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3783) to amend section 223 of the Communications Act of 1934 to require persons who are engaged in the busi-

ness of selling or transferring, by means of the World Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3783

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 "Child Online Protection Act".

TITLE I—PROTECTION FROM MATERIAL THAT IS HARMFUL TO MINORS

SEC. 101. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) while custody, care, and nurture of the child resides first with the parent, the widespread availability of the Internet presents opportunities for minors to access materials through the World Wide Web in a manner that can frustrate parental supervision or control;

(2) the protection of the physical and psychological well-being of minors by shielding them from materials that are harmful to them is a compelling governmental interest;

(3) to date, while the industry has developed innovative ways to help parents and educators restrict material that is harmful to minors through parental control protections and self-regulation, such efforts have not provided a national solution to the problem of minors accessing harmful material on the World Wide Web;

(4) a prohibition on the distribution of material harmful to minors, combined with legitimate defenses, is currently the most effective and least restrictive means by which to satisfy the compelling government interest; and

(5) notwithstanding the existence of protections that limit the distribution over the World Wide Web of material that is harmful to minors, parents, educators, and industry must continue efforts to find ways to protect children from being exposed to harmful material found on the Internet.

SEC. 102. REQUIREMENT TO RESTRICT ACCESS BY MINORS TO MATERIALS COMMERCIALY DISTRIBUTED BY MEANS OF THE WORLD WIDE WEB THAT ARE HARMFUL TO MINORS.

Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 231. RESTRICTION OF ACCESS BY MINORS TO MATERIALS COMMERCIALY DISTRIBUTED BY MEANS OF WORLD WIDE WEB THAT ARE HARMFUL TO MINORS.

"(a) REQUIREMENT TO RESTRICT ACCESS.—

"(1) PROHIBITED CONDUCT.—Whoever knowingly and with knowledge of the character of the material, in interstate or foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors shall be fined not more than \$50,000, imprisoned not more than 6 months, or both.

"(2) INTENTIONAL VIOLATIONS.—In addition to the penalties under paragraph (1), whoever intentionally violates such paragraph shall be subject to a fine of not more than \$50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(3) CIVIL PENALTY.—In addition to the penalties under paragraphs (1) and (2), whoever violates paragraph (1) shall be subject to a civil penalty of not more than \$50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(b) INAPPLICABILITY OF CARRIERS AND OTHER SERVICE PROVIDERS.—For purposes of subsection (a), a person shall not be considered to make any communication for commercial purposes to the extent that such person is—

"(1) a telecommunications carrier engaged in the provision of a telecommunications service;

"(2) a person engaged in the business of providing an Internet access service;

"(3) a person engaged in the business of providing an Internet information location tool; or

"(4) similarly engaged in the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication made by another person, without selection or alteration of the content of the communication, except that such person's deletion of a particular communication or material made by another person in a manner consistent with subsection (c) or section 230 shall not constitute such selection or alteration of the content of the communication.

"(c) AFFIRMATIVE DEFENSE.—

"(1) DEFENSE.—It is an affirmative defense to prosecution under this section that the defendant, in good faith, has restricted access by minors to material that is harmful to minors—

"(A) by requiring use of a credit card, debit account, adult access code, or adult personal identification number;

"(B) by accepting a digital certificate that verifies age; or

"(C) by any other reasonable measures that are feasible under available technology.

"(2) PROTECTION FOR USE OF DEFENSES.—No cause of action may be brought in any court or administrative agency against any person on account of any activity that is not in violation of any law punishable by criminal or civil penalty, and that the person has taken in good faith to implement a defense authorized under this subsection or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(d) PRIVACY PROTECTION REQUIREMENTS.—

"(1) DISCLOSURE OF INFORMATION LIMITED.—A person making a communication described in subsection (a)—

"(A) shall not disclose any information collected for the purposes of restricting access to such communications to individuals 17 years of age or older without the prior written or electronic consent of—

"(i) the individual concerned, if the individual is an adult; or

"(ii) the individual's parent or guardian, if the individual is under 17 years of age; and

"(B) shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the person making such communication and the recipient of such communication.

"(2) EXCEPTIONS.—A person making a communication described in subsection (a) may disclose such information if the disclosure is—

"(A) necessary to make the communication or conduct a legitimate business activity related to making the communication; or

"(B) made pursuant to a court order authorizing such disclosure.

"(e) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(1) BY MEANS OF THE WORLD WIDE WEB.—The term 'by means of the World Wide Web' means by placement of material in a computer server-based file archive so that it is