

by the gentleman from Michigan will be postponed.

PART B AMENDMENT NO. 1 OFFERED BY MR. UPTON

The CHAIRMAN pro tempore. Proceedings will now resume on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the yeas prevailed by voice vote.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 7, not voting 6, as follows:

[Roll No. 43]

AYES—421

Abercrombie	Cooksey	Green (TX)
Ackerman	Costello	Green (WI)
Aderholt	Cox	Greenwood
Akin	Coyne	Grucci
Allen	Cramer	Gutierrez
Andrews	Crane	Gutknecht
Army	Crenshaw	Hall (OH)
Baca	Crowley	Hall (TX)
Bachus	Culberson	Hansen
Baird	Cummings	Harman
Baldwin	Cunningham	Hart
Ballenger	Davis (CA)	Hastings (FL)
Barcia	Davis (FL)	Hastings (WA)
Barr	Davis (IL)	Hayes
Barrett	Davis, Jo Ann	Hayworth
Bartlett	Davis, Tom	Herger
Barton	Deal	Hill
Bass	DeFazio	Hilleary
Becerra	DeGette	Hilliard
Bentsen	Delahunt	Hinche
Bereuter	DeLauro	Hinojosa
Berkley	DeLay	Hobson
Berman	DeMint	Hoeffel
Berry	Deutsch	Hoekstra
Biggart	Diaz-Balart	Holden
Bilirakis	Dicks	Holt
Bishop	Dingell	Honda
Blagojevich	Doggett	Hooley
Blumenauer	Dooley	Horn
Blunt	Doolittle	Hostettler
Boehlert	Doyle	Houghton
Boehner	Dreier	Hoyer
Bonilla	Duncan	Hulshof
Bonior	Dunn	Hunter
Bono	Edwards	Hyde
Boozman	Ehlers	Inslee
Borski	Ehrlich	Isakson
Boswell	Emerson	Israel
Boucher	Engel	Issa
Boyd	English	Istook
Brady (PA)	Eshoo	Jackson (IL)
Brady (TX)	Etheridge	Jackson-Lee
Brown (FL)	Evans	(TX)
Brown (OH)	Everett	Jefferson
Brown (SC)	Farr	Jenkins
Bryant	Fattah	John
Burr	Ferguson	Johnson (CT)
Burton	Filner	Johnson (IL)
Buyer	Flake	Johnson, E. B.
Callahan	Fletcher	Johnson, Sam
Calvert	Foley	Jones (OH)
Camp	Forbes	Kanjorski
Cannon	Ford	Kaptur
Cantor	Fossella	Keller
Capito	Frank	Kelly
Capps	Frelinghuysen	Kennedy (MN)
Capuano	Frost	Kennedy (RI)
Cardin	Gallely	Kerns
Carson (IN)	Ganske	Kildee
Carson (OK)	Gekas	Kilpatrick
Castle	Gephardt	Kind (WI)
Chabot	Gibbons	King (NY)
Chambliss	Gilchrest	Kingston
Clay	Gillmor	Kirk
Clayton	Gonzalez	Klecza
Clement	Goode	Knollenberg
Clyburn	Goodlatte	Kolbe
Coble	Gordon	Kucinich
Collins	Goss	LaFalce
Combest	Graham	LaHood
Condit	Granger	Lampson
Conyers	Graves	Langevin

Lantos	Ortiz	Simmons
Larsen (WA)	Osborne	Skelton
Larson (CT)	Ose	Slaughter
Latham	Owens	Smith (MI)
LaTourette	Oxley	Smith (NJ)
Leach	Pallone	Smith (TX)
Lee	Pascrell	Smith (WA)
Levin	Pastor	Snyder
Lewis (CA)	Payne	Solis
Lewis (GA)	Pelosi	Souder
Lewis (KY)	Pence	Spratt
Linder	Peterson (MN)	Stark
Lipinski	Peterson (PA)	Stearns
LoBiondo	Petri	Stenholm
Loftgren	Phelps	Strickland
Lowe	Pickering	Stump
Lucas (KY)	Pitts	Stupak
Lucas (OK)	Platts	Sullivan
Luther	Pombo	Sununu
Lynch	Pomeroy	Sweeney
Maloney (CT)	Portman	Tancredo
Maloney (NY)	Price (NC)	Tanner
Manzullo	Pryce (OH)	Tauscher
Markey	Putnam	Tauzin
Mascara	Quinn	Taylor (MS)
Matheson	Radanovich	Taylor (NC)
Matsui	Rahall	Terry
McCarthy (MO)	Ramstad	Thomas
McCarthy (NY)	Rangel	Thompson (CA)
McCollum	Regula	Thompson (MS)
McCreery	Rehberg	Thornberry
McDermott	Reyes	Thune
McGovern	Reynolds	Thurman
McHugh	Riley	Tiahrt
McInnis	Rodriguez	Tiberi
McIntyre	Roemer	Tierney
McKeon	Rogers (KY)	Toomey
McKinney	Rogers (MI)	Towns
McNulty	Rohrabacher	Turner
Meehan	Ros-Lehtinen	Udall (CO)
Meek (FL)	Ross	Udall (NM)
Meeks (NY)	Rothman	Upton
Menendez	Roukema	Velazquez
Mica	Roybal-Allard	Visclosky
Millender-	Royce	Vitter
McDonald	Rush	Walden
Miller, Dan	Ryan (WI)	Walsh
Miller, Gary	Ryun (KS)	Wamp
Miller, George	Sabo	Waters
Miller, Jeff	Sanchez	Watkins (OK)
Mink	Sanders	Watson (CA)
Mollohan	Sandlin	Watt (NC)
Moore	Sawyer	Watts (OK)
Moran (KS)	Saxton	Waxman
Moran (VA)	Schaffer	Weiner
Morella	Schakowsky	Weldon (FL)
Murtha	Schiff	Weldon (PA)
Myrick	Schrock	Weller
Nadler	Scott	Wexler
Napolitano	Sensenbrenner	Whitfield
Neal	Serrano	Wicker
Nethercutt	Sessions	Wilson (NM)
Ney	Shadegg	Wilson (SC)
Northup	Shaw	Wolf
Norwood	Shays	Woolsey
Nussle	Sherman	Wu
Oberstar	Shimkus	Wynn
Obey	Shows	Young (AK)
Oliver	Shuster	Young (FL)

NOES—7

Baker	Otter	Skeen
Hefley	Paul	
Jones (NC)	Simpson	

NOT VOTING—6

Baldacci	Gilman	Sherwood
Cubin	Rivers	Trafficant

□ 1518

Messrs. HEFLEY, OTTER, BAKER and SKEEN changed their vote from “aye” to “no.”

Mr. MCINNIS and Mr. EVANS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LINDER, Chairman pro tem-

pore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, had come to no resolution thereon.

REQUEST TO MAKE IN ORDER AMENDMENT NUMBER 3 AS AMENDMENT TO THE BILL DURING FURTHER CONSIDERATION OF H.R. 1-542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that during further consideration in the Committee of the Whole of the bill, H.R. 1542, pursuant to House Resolution 350, that the gentleman from Indiana (Mr. BUYER) be permitted to offer amendment No. 3 printed in House Report 107-361 as an amendment to the bill, as amended.

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

Mr. BUYER. Mr. Speaker, reserving the right to object, since the Buyer-Towns amendment was an amendment to an amendment not made in order, and the committee has now risen, I would ask of the chairman of the Committee on Energy and Commerce to explain to the gentleman from New York (Mr. TOWNS) and me what he intends to do.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Apparently, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) have decided in the Committee of the Whole not to offer their amendment, and since the amendment drafted by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) is an amendment to their amendment, I must seek unanimous consent to have it offered as an amendment to the main bill in the Committee of the Whole, and that is why I have asked for this unanimous consent request.

Absent the granting of this unanimous consent request, it is my understanding the only way that we can get the Buyer-Towns amendment up would be if we defeated the previous question on the motion to recommit, in which case we will do so, if we are not granted this unanimous consent.

Mr. BUYER. Mr. Speaker, further reserving the right to object, I am hopeful that no one does object.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. MARKEY. Mr. Speaker, I reserve the right to object in order to make this point to Members, which is that we have reached a juncture here whereby two amendments, the one made by

the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS), and the one made by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS), each have a right, in my opinion, to have a vote on the House floor.

The way the rule is structured is there will not be a vote on the Cannon-Conyers amendment. What we are trying to do through this device is to have a straight up or down vote on the amendment, which all the competing companies in America want to have as their up or down vote; and then everyone is free to vote with the Bells or all the competitors. One vote, that is all they want; pick sides, straight up or down. We are not allowed that under the rule that came out of the committee last night.

So that is all we are trying to set up right now. We hope by the end of this process, and on the vote on the previous question, by the way, Members will have that chance to decide, one way or another, to come down forever on competition or with this old monopolistic view.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding, and I concur with his observation.

Mr. Speaker, could I just make this point: Why can we not just have a straight up or down vote on Cannon-Conyers and on Buyer-Towns? That has been spoken about among our leadership. I think it would be agreeable to many of the principals here on this bill, and I think it would make things move a lot more quickly.

We have already saved ourselves hours of time by foreclosing the debate. If we just have these two votes, we would be able to bring this very important piece of legislation to a conclusion.

Mr. MARKEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1530

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1542.

□ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Michigan (Mr. UPTON) had been disposed of.

It is now in order to consider Amendment No. 2 printed in Part B of House Report 107-361.

Is there any Member in the Chamber wishing to offer that amendment?

PARLIAMENTARY INQUIRIES

Mr. TAUZIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. TAUZIN. Who may offer that amendment under the rule?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. CANNON) or his designee.

Mr. TAUZIN. No one else can offer that amendment but the gentleman from Utah?

The CHAIRMAN pro tempore. The gentleman from Louisiana is correct. The gentleman from Utah or his designee.

Mr. TAUZIN. I thank the Chair.

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BUYER. The gentleman from New York (Mr. TOWNS) and I had an amendment to the Conyers-Cannon amendment. If these two gentlemen or their designee do not offer that amendment, then I have no opportunity to do that, other than we defeat the previous question, and then I have an opportunity to make an amendment on the motion to recommit. Would that be correct?

The CHAIRMAN pro tempore. The Chair is not able to address the Committee questions that may arise in the House.

Mr. BUYER. I thank the Chair.

The CHAIRMAN pro tempore. Does any Member wish to offer the amendment?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, pursuant to House Resolution 350, he reported the bill, as amended pursuant to that rule, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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.

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1542 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

AMENDMENT TO H.R. 1542, AS REPORTED

OFFERED BY MR. MARKEY

Strike section 4 and insert the following:

SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH SPEED DATA SERVICES.

(a) IN GENERAL.—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. 232. PROVISION OF HIGH SPEED DATA SERVICES.

“(a) FREEDOM FROM REGULATION.—Except to the extent that high speed data service, Internet backbone service, and Internet access service are expressly referred to in this Act, the Commission shall have no authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high speed data service, Internet backbone service, or Internet access service, or to regulate any network element to the extent it is used in the provision of any such service; nor shall the Commission impose or require the collection of any fees, taxes, charges, or tariffs upon such service.

“(b) SAVINGS PROVISION.—

“(1) STATE AUTHORITY.—Nothing in this section shall be construed to limit or affect the authority of any State, nor affect the rights of cable franchise authorities to establish requirements that are otherwise consistent with this Act.

“(2) EXISTING RULES AND COMPETITION PRESERVED.—Notwithstanding the limitations on Commission and State authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), in order to preserve and promote fair competition, innovation, economic investment, and consumer choice, no provision of such Act or amendments shall restrict or affect in any way the application and enforcement of the Federal and State rules in effect on the date of enactment of such Act relating to the rates, charges, terms, and conditions for the purchasing or leasing of telecommunications services and network elements by competitive telecommunications carriers.

“(3) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding the limitations on Commission authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), such Act and amendments shall not restrict or affect in any way—

“(A) the authority of the Commission to adopt regulations to prohibit unsolicited commercial e-mail messages;

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

“(C) the authority of the Commission—