

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)	Lantos	Ortiz	Simmons
Ackerman	Costello	Green (WI)	Larsen (WA)	Osborne	Skelton
Aderholt	Cox	Greenwood	Larson (CT)	Ose	Slaughter
Akin	Coyne	Grucci	Latham	Owens	Smith (MI)
Allen	Cramer	Gutierrez	LaTourette	Oxley	Smith (NJ)
Andrews	Crane	Gutknecht	Leach	Pallone	Smith (TX)
Armey	Crenshaw	Hall (OH)	Lee	Pascarella	Smith (WA)
Baca	Crowley	Hall (TX)	Levin	Pastor	Snyder
Bachus	Culberson	Hansen	Lewis (CA)	Payne	Solis
Baird	Cummings	Harman	Lewis (GA)	Pelosi	Souder
Baldwin	Cunningham	Hart	Lewis (KY)	Pence	Spratt
Ballenger	Davis (CA)	Hastings (FL)	Linder	Peterson (MN)	Stark
Barcia	Davis (FL)	Hastings (WA)	Lipinski	Peterson (PA)	Stearns
Barr	Davis (IL)	Hayes	LoBiondo	Petri	Stenholm
Barrett	Davis, Jo Ann	Hayworth	Lofgren	Phelps	Strickland
Bartlett	Davis, Tom	Herger	Lowey	Pickering	Stump
Barton	Deal	Hill	Lucas (KY)	Pitts	Stupak
Bass	DeFazio	Hilleary	Lucas (OK)	Platts	Sullivan
Becerra	DeGette	Hilliard	Luther	Pombo	Sununu
Bentsen	Delahunt	Hinchey	Lynch	Pomeroy	Sweeney
Bereuter	DeLauro	Hinojosa	Maloney (CT)	Portman	Tancredo
Berkley	DeLay	Hobson	Maloney (NY)	Price (NC)	Tanner
Berman	DeMint	Hoechel	McCollum	Manzullo	Tauscher
Berry	Deutsch	Hoekstra	McCrery	Markey	Putnam
Biggert	Diaz-Balart	Holden	McDermott	Mascara	Quinn
Bilirakis	Dicks	Holt	McGovern	Matheson	Radanovich
Bishop	Dingell	Honda	McHugh	Matsui	Rahall
Blagojevich	Doggett	Hoooley	McInnis	McCarthy (MO)	Ramstad
Blumenauer	Dooley	Horn	McIntyre	McCarthy (NY)	Rangel
Blunt	Doolittle	Hostettler	Meek (FL)	McCrery	Regula
Boehlert	Doyle	Houghton	Meeks (NY)	McDermott	Rehberg
Boehner	Dreier	Hoyer	Menendez	Reyes	Reyes
Bonilla	Duncan	Hulshof	Meek (WA)	McGovern	Rothman
Bonior	Dunn	Hunter	Menendez	McHugh	Rothman
Bono	Edwards	Iacobbo	Miller, Jeff	McNulty	Rothman
Boozman	Ehlers	Hyde	Mica	McNulty	Rothman
Borski	Ehrlich	Inslee	Millender	Millican	Rothman
Boswell	Emerson	Isakson	Miller, Dan	McNulty	Rothman
Boucher	Engel	Israel	Miller, Gary	Millican	Rothman
Boyd	English	Issa	Miller, George	Millican	Rothman
Brady (PA)	Eshoo	Istook	Miller, Jeff	Mica	Rothman
Brady (TX)	Etheridge	Jackson (IL)	Millican	Miller, Jeff	Rothman
Brown (FL)	Evans	Jackson-Lee	Miller, Jeff	Millican	Rothman
Brown (OH)	Everett	(TX)	Miller, Jeff	Millican	Rothman
Brown (SC)	Farr	Jefferson	Miller, Jeff	Millican	Rothman
Bryant	Fattah	Jenkins	Miller, Jeff	Millican	Rothman
Burr	Ferguson	John	Miller, Jeff	Millican	Rothman
Burton	Filner	Johnson (CT)	Miller, Jeff	Millican	Rothman
Buyer	Flake	Johnson (IL)	Miller, Jeff	Millican	Rothman
Callahan	Fletcher	Johnson, E. B.	Miller, Jeff	Millican	Rothman
Calvert	Foley	Johnson, Sam	Miller, Jeff	Millican	Rothman
Camp	Forbes	Jones (OH)	Miller, Jeff	Millican	Rothman
Cannon	Ford	Kanjorski	Miller, Jeff	Millican	Rothman
Cantor	Fossett	Kaptur	Miller, Jeff	Millican	Rothman
Capito	Frank	Keller	Miller, Jeff	Millican	Rothman
Capps	Frelinghuysen	Kelly	Miller, Jeff	Millican	Rothman
Capuano	Frost	Kennedy (MN)	Miller, Jeff	Millican	Rothman
Cardin	Gallegly	Kennedy (RI)	Miller, Jeff	Millican	Rothman
Carson (IN)	Ganske	Kerns	Miller, Jeff	Millican	Rothman
Carson (OK)	Gekas	Kildee	Miller, Jeff	Millican	Rothman
Castle	Gephhardt	Kilpatrick	Miller, Jeff	Millican	Rothman
Chabot	Gibbons	Kind (WI)	Miller, Jeff	Millican	Rothman
Chambliss	Gilcrest	King (NY)	Miller, Jeff	Millican	Rothman
Clay	Gillmor	Kingston	Miller, Jeff	Millican	Rothman
Clayton	Gonzalez	Kirk	Miller, Jeff	Millican	Rothman
Clement	Goode	Kleczka	Miller, Jeff	Millican	Rothman
Clyburn	Goodlatte	Knollenberg	Miller, Jeff	Millican	Rothman
Coble	Gordon	Kolbe	Miller, Jeff	Millican	Rothman
Collins	Goss	Kucinich	Miller, Jeff	Millican	Rothman
Combest	Graham	LaFalce	Miller, Jeff	Millican	Rothman
Condit	Granger	LaHood	Miller, Jeff	Millican	Rothman
Conyers	Graves	Lampson	Miller, Jeff	Millican	Rothman
		Langevin	Miller, Jeff	Millican	Rothman

NOES—7

Baker

Otter

Skeen

Heffley

Paul

Jones (NC)

NOT VOTING—6

Baldacci

Gilman

Sherwood

Cubin

Rivers

Traficant

□ 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.

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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—