

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—

“(i) with respect to customer proprietary network information, as provided in section 222;

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

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

“(c) CONTINUED ENFORCEMENT OF ESP EXEMPTION, UNIVERSAL SERVICE RULES PERMITTED.—Nothing in this section shall affect the ability of the Commission to retain or modify—

“(1) the exemption from interstate access charges for enhanced service providers under Part 69 of the Commission’s regulations, and the requirements of the MTS/WATS Market Structure Order (97 FCC 2d 682, 715 (1983)); or

“(2) rules issued pursuant to section 254.”

(b) CONFORMING AMENDMENT.—Section 251 of the Communications Act of 1934 (47 U.S.C. 251) is amended by adding at the end thereof the following new subsection:

“(j) EXEMPTION.—

“(1) ACCESS TO NETWORK ELEMENTS FOR HIGH SPEED DATA SERVICE.—

“(A) LIMITATION.—Subject to subparagraphs (B), (C), and (D) of this paragraph, the Commission shall not require an incumbent local exchange carrier to provide unbundled access to any network element for the provision of any high speed data service.

“(B) PRESERVATION OF REGULATIONS AND LINE SHARING ORDER.—Notwithstanding subparagraph (A), the Commission shall, to the extent consistent with subsections (c)(3) and (d)(2), require the provision of unbundled access to those network elements described in section 51.319 of the Commission’s regulations (47 C.F.R. 51.319), as—

“(i) in effect on January 1, 1999; and

“(ii) subject to subparagraphs (C) and (D), as modified by the Commission’s Line Sharing Order.

“(C) EXCEPTIONS TO PRESERVATION OF LINE SHARING ORDER.—

“(i) UNBUNDLED ACCESS TO REMOTE TERMINAL NOT REQUIRED.—An incumbent local exchange carrier shall not be required to provide unbundled access to the high frequency portion of the loop at a remote terminal.

“(ii) CHARGES FOR ACCESS TO HIGH FREQUENCY PORTION.—The Commission and the States shall permit an incumbent local exchange carrier to charge requesting carriers for the high frequency portion of a loop an amount equal to which such incumbent local exchange carrier imputes to its own high speed data service.

“(D) LIMITATIONS ON REINTERPRETATION OF LINE SHARING ORDER.—Neither the Commission nor any State Commission shall construe, interpret, or reinterpret the Commission’s Line Sharing Order in such manner as would expand an incumbent local exchange carrier’s obligation to provide access to any network element for the purpose of line sharing.

“(E) AUTHORITY TO REDUCE ELEMENTS SUBJECT TO REQUIREMENT.—This paragraph shall not prohibit the Commission from modifying the regulation referred to in subparagraph (B) to reduce the number of network elements subject to the unbundling requirement, or to forbear from enforcing any portion of that regulation in accordance with the Commission’s authority under section 706 of the Telecommunications Act of 1996, notwithstanding any limitation on that authority in section 10 of this Act.

“(F) PROHIBITION ON DISCRIMINATORY SUBSIDIES.—Any network element used in the provision of high speed data service that is not subject to the requirements of subsection (c) shall not be entitled to any subsidy, including any subsidy pursuant to section 254, that is not provided on a non-

discriminatory basis to all providers of high speed data service and Internet access service. This prohibition on discriminatory subsidies shall not be interpreted to authorize or require the extension of any subsidy to any provider of high speed data service or Internet access service.

“(2) RESALE.—For a period of three years after the enactment of this subsection, an incumbent local exchange carrier that provides high speed data service shall have a duty to offer for resale any such service at wholesale rates in accordance with subsection (c)(4). After such three-year period, such carrier shall offer such services for resale pursuant to subsection (b)(1).

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) the ‘Commission’s Line Sharing Order’ means the Third Report and Order in CC Docket No. 98-147 and the Fourth Report and Order in CC Docket 96-98 (FCC 99-355), as adopted November 18, 1999, and without regard to any clarification or interpretation in the further notice of proposed rulemaking in such Dockets adopted January 19, 2001 (FCC 01-26); and

“(B) the term ‘remote terminal’ means an accessible terminal located outside of the central office to which analog signals are carried from customer premises, in which such signals are converted to digital, and from which such signals are carried, generally over fiber, to the central office.”

(c) PRESERVATION OF EXISTING INTERCONNECTION AGREEMENTS.—Nothing in the amendments made by this section—

(1) shall be construed to permit or require the abrogation or modification of any interconnection agreement in effect on the date of enactment of this section during the term of such agreement, except that this paragraph shall not apply to any interconnection agreement beyond the expiration date of the existing current term contained in such agreement on the date of enactment of this section, without regard to any extension or renewal of such agreement; or

(2) affects the implementation of any change of law provision in any such agreement.

Page 12, beginning on line 23, strike “Inter-net access” and insert “such”.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. BUYER. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from Massachusetts, is this the Cannon amendment?

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

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

Mr. MARKEY. Yes.

Mr. BUYER. This is the Cannon amendment that the gentleman is offering on the motion to recommit.

Mr. Speaker, while we were in the Committee of the Whole I asked a question of the Chairman which he said he could not answer. At that time, under the rule an amendment was designated. Neither the author nor a designee offered that amendment. Therefore, the Buyer-Towns amendment could not be offered.

The Conyers-Cannon amendment is now being considered in the recom-mittal motion, so the only opportunity

that the gentleman from New York (Mr. TOWNS) and I now have procedurally would be to defeat the previous question, and then in the motion to recommit we make an amendment to the recom-mittal motion. Would that be in order?

The SPEAKER pro tempore. That would be in order.

Mr. BUYER. It would be in order. I thank the Speaker.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) in support of his motion to recommit for 5 minutes.

PARLIAMENTARY INQUIRIES

Mr. MARKEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARKEY. Mr. Speaker, my parliamentary inquiry is this. So that there can be a clarification for the Members as to the procedural process that the House finds itself in at this point in time, I have made a motion to recommit forthwith the bill which we are now considering. It is my understanding that that means that the bill actually does not go back to the committee but just goes to the desk here and is immediately then inserted into the bill forthwith and that there is absolutely no delay in the procedure at that point and we move forward with that new substance added to the bill, is that correct?

The SPEAKER pro tempore. If a motion to recommit is adopted in a form ordering a report forthwith, the gentleman is correct that the proposed amendment would immediately be before the House.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAUZIN. Mr. Speaker, I think it is important that we also clarify the effects of that kind of a decision if we do allow the gentleman from Massachusetts (Mr. MARKEY) to recommit this bill with the Canyon-Conyers amendment added to it. If we allow that to happen without voting against the previous question, without giving the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to amend that motion to recommit, it is tantamount to adopting the Conyers amendment on the bill without ever having a chance to vote on Buyer-Towns. Therefore, is it not correct that for Buyer-Towns to have an opportunity to be voted upon that the Members will have to vote against the previous question on the motion to recommit?

The SPEAKER pro tempore. The first portion of the gentleman’s observation is not a parliamentary inquiry.

The second portion, however, is. If the previous question were not ordered on the Markey motion to recommit, the Member who, in the perception of the Chair, led the opposition to the motion for the previous question would have an opportunity to offer an amendment to the motion to recommit.

Mr. TAUZIN. Further parliamentary inquiry, Mr. Speaker. May I claim the time in opposition to the motion to recommit?

The SPEAKER pro tempore. The gentleman may.

The gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes in support of his motion.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

The reason we are making this committal motion is so that we can have one clear vote on the competition and consumer position on all of these issues. We were not going to have a vote out here on the floor on those issues. The Bell companies do not want a clear vote on the hundreds of other companies out there competing with the four of them. So this recommittal motion is the Conyers-Cannon amendment that we were not going to be allowed to have a vote on, that gives every one of us that clear chance to decide which side of this fence we are on, monopoly or competition. And I think everyone should understand it.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON).

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. Does the gentleman from Massachusetts (Mr. MARKEY) yield to the gentleman from Indiana (Mr. BUYER) for the purpose of a parliamentary inquiry?

Mr. MARKEY. I do not.

Mr. BUYER. Mr. Speaker, I object to the yielding of time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) may yield to others and remain on his feet, which he is doing.

The gentleman has yielded to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding me this time.

We might ask ourselves, why are CANNON and CONYERS together on an amendment? Sort of an odd couple, if one follows this body.

Let me point out that we have looked very carefully at this. It is exceedingly important to the future of the deployment of the Internet to have competition. There has been a lot of talk and a lot of obfuscation on this issue, but, in fact, without this amendment, if the bill becomes law, we will snuff out competition in America in the area that is going to give us the technological needed for the next century.

Mr. MARKEY. Mr. Speaker, I thank the gentleman. This is not a debate between Democrats and Republicans. It is between competition and monopoly.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, this legislation has created one of those rare moments where traditional coalitions and party affiliations are nearly irrelevant as Members of the House debate the issue of competition in the field of telecommunications.

I agree with my colleagues on deregulating the industry and giving consumers more options and lower prices, but what I disagree with some of my friends on today are the anticompetitive measures that I believe are given and special privileges for certain companies in this bill.

As a former State public utility commissioner, I am extremely troubled by Congress telling States what they can and cannot do on competition, pricing and the regulation of broadband facilities and networks. This is why 31 State public utility commissions are opposed to this bill before us unamended.

Restricting competitive local exchange carriers' access to incumbent networks endangers, I believe, the future of competition. There are countless small businesses that have invested billions of dollars and have created thousands of jobs. Let us not change the rules at the half time of the game. Let us not limit the lion's share into outmoded copper facilities, let us not tie one hand behind a company's back by taking away access to high-tech fiber lines, and let us not tell States, sorry, but we are taking away your authority on yet another issue.

Instead, I urge my colleagues to think of the small business people in their districts employing constituents and giving consumers options. The motion to recommit will fix this bill so small businesses get a voice, States keep their rights and ordinary, average Americans are given fair choices and fair prices as we keep heading down the information superhighway. Vote for the motion to recommit and vote for competition and consumers.

Mr. MARKEY. Mr. Speaker, I yield my final minute to the gentleman from Mississippi (Mr. PICKERING).

□ 1545

Mr. PICKERING. Mr. Speaker, I want to commend the chairman of the committee and the ranking member for their tenacity, their advocacy, their philosophy, and their approach, as it comes to telecommunications broadband and the questions before us. But we simply want one clean vote: Do we stand with competition, or do we go back to the old fragmented, segmented, monopolistic ways of what we tried to reform in 1996?

For those of us who want multiple choices, not just one or two but many choices, the free market enterprise of competition, innovation, lower prices, then we need to vote for the Conyers amendment; and we need to vote for the Cannon amendment. We need that clean chance.

If we believe in States' rights to help advocate competition and deployment, if Members want to maintain the regulation against child pornography and obscenity on the Internet, then Members need to vote for Cannon and Conyers.

This is our one chance in this debate to have one simple vote. We believe that it is the right vote. I ask for Members' support on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. TAUZIN. Mr. Speaker, there are two amendments before this House, both of which provide access for these competitive telephone lines to the new fiber and the new systems the Bell companies would deploy under this bill. The only difference is that the Cannon-Conyers amendment would put on those conditions all the rules and regulations that currently stifle the delivery of those services.

Every high-tech representative in this town, all the associations that represent companies from Lucent to Motorola, and the two largest associations of all the high-tech companies of America, over a thousand of them, have written us letters urging us to defeat Cannon and Conyers, because what it does, it guarantees that broadband will not be deployed to people in this country without all those rules and regulations of the telephone industry regulating the Internet. That is why they want that amendment defeated.

The Buyer-Towns amendment, on the other hand, gives those competitive telephone companies full access to those facilities of the Bell at fair rates set by the FCC, not by the Bell companies.

There are two proposals before us. I am going to ask Members in a minute to defeat the previous question to give the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to offer their proposal. If we defeat that previous question and motion, they will have a chance to offer their motion. Then they can vote Buyer and Towns up or down. If Members vote for that, that will be on the motion to recommit, and we will conclude our business.

Mr. Speaker, I yield to the gentleman from New York (Mr. TOWNS), the author of the bill.

Mr. TOWNS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, this is a very obvious way of trying to usurp the role of the Committee on Rules. What is the purpose of the Committee on Rules if we are going to try and usurp them in this fashion?

Let me be candid by saying that this is not what the Bell companies or the competitors prefer. However, I strongly believe that our amendment represents a middle ground. The Buyer-Towns is a good compromise. Our amendment does the right thing to ensure that

broadband is deployed in a competitive environment, and this is what this is all about.

Mr. TAUZIN. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BUYER), the principal author of this amendment.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding to me.

To those who have walked into this body and were going to support the Buyer-Towns amendment to the Conyers-Cannon amendment, let me share what I believe is about to happen and what I believe Members should do.

If they support the Buyer-Towns amendment, vote no on the previous question; vote no on the previous question, vote yes when I have the opportunity to amend the recommit after the previous question is defeated. So they will vote yes on the Buyer-Towns amendment to the recommital, vote yes on the amended motion to recommit, and vote yes on final passage.

Mr. TAUZIN. Mr. Speaker, it comes down to this. All Members who walked into this room this morning and voted yes on the rule should vote against the motion on the previous question, because that preserves the rule and does not allow these parties to undermine the rule that Members voted for.

Vote no on the previous question and then yes on Buyer-Towns, yes on the amended motion to recommit, and yes on final passage.

Mr. LUTHER. Mr. Speaker, I am a cosponsor of the amendment by Congressmen CANNON and CONYERS which was taken up as a motion to recommit, and I oppose the Buyer-Towns amendment to the motion.

During the Energy & Commerce Committee's mark-up of this bill, Congresswoman WILSON and I introduced a bipartisan amendment addressing the issue of "line sharing"—a concept pioneered in my home state of Minnesota. This amendment represented the most contentious issue of the markup, failing to pass on a 27 to 27 tie vote, and this issue remains the most controversial matter with regard to the bill.

The first part of the Cannon/Conyers amendment is basically the amendment that Representative WILSON and I introduced at the Energy & Commerce Committee. All our amendment does is preserve existing law. The landmark 1996 Telecommunications Act deliberately forced the Regional Bell Operating Companies to open their networks to competition. The Cannon/Conyers Amendment is consistent with this and would simply preserve all existing FCC orders that allow small competitive telecommunications companies to lease elements of the Bells network on a cost-plus-reasonable-profit basis. It does no more than this.

Supporters of the Buyer/Towns Amendment claim that they have fixed the line sharing problem but their amendment will allow a competitor to have access only to copper loops, not to the fiber, remote terminals and other crucial network elements indispensable to competition in both the voice and high-speed data markets. It is vital that existing law and regulation be preserved, because a competitor's access to these fiber and remote terminal networks is the only way to preserve effective and meaningful competition.

It's important to note that competitors do not have access to these networks for free—they must pay for an element's cost and a reasonable profit. The Cannon/Conyers amendment preserves this cost-plus-reasonable-profit pricing mechanism. On the other hand, the Buyer/Towns amendment even changes this pricing mandate and will actually raise rates while giving much more limited access—all to the detriment of competition.

I urge support for the true line sharing amendment—the Cannon/Conyers amendment. And I urge a "no" vote on the Buyer/Towns amendment.

The SPEAKER pro tempore. All time for debate on the motion to recommit has expired.

The question is on ordering the previous question on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 5, as follows:

[Roll No. 44]

AYES—173

Abercrombie	Hastings (WA)	Owens
Andrews	Hayworth	Pallone
Baird	Hefley	Paul
Barrett	Hinchee	Payne
Bartlett	Hobson	Pelosi
Becerra	Hoefel	Peterson (MN)
Bereuter	Hoekstra	Peterson (PA)
Berkley	Holt	Phelps
Berman	Honda	Pickering
Biggert	Hooley	Pitts
Blumenauer	Inslee	Platts
Borski	Israel	Pombo
Boswell	Jenkins	Pomeroy
Brown (OH)	Johnson, E. B.	Ramstad
Cannon	Johnson, Sam	Rangel
Cantor	Jones (NC)	Rivers
Capps	Jones (OH)	Roemer
Carson (IN)	Kanjorski	Rogers (MI)
Carson (OK)	Kaptur	Rohrabacher
Castle	Keller	Rothman
Chabot	Kilpatrick	Roukema
Chambliss	Kingston	Roybal-Allard
Combest	Kleczka	Royce
Condit	Kolbe	Ryun (KS)
Conyers	Kucinich	Sabo
Costello	LaFalce	Sanders
Cox	Lantos	Schaffer
Coyne	Latham	Schakowsky
Crowley	Leach	Scott
Davis (CA)	Lee	Sensenbrenner
Davis (FL)	Linder	Shadegg
Davis, Tom	Lipinski	Shays
DeFazio	Lofgren	Sherman
DeGette	Lowe	Skeen
Delahunt	Luther	Skelton
DeLauro	Maloney (NY)	Slaughter
DeMint	Markey	Solis
Deutsch	Mascara	Stark
Doggett	McCarthy (MO)	Stupak
Dooley	McCollum	Sununu
Doyle	McDermott	Thompson (CA)
Duncan	McInnis	Thune
Dunn	McKinney	Thurman
Ehrlich	Meehan	Tierney
Eshoo	Millender-	Udall (CO)
Etheridge	McDonald	Udall (NM)
Farr	Miller, George	Velazquez
Fattah	Mink	Wamp
Flake	Moore	Waters
Forbes	Moran (KS)	Watson (CA)
Frank	Moran (VA)	Watt (NC)
Frelinghuysen	Nadler	Watts (OK)
Gephardt	Napolitano	Waxman
Gilchrest	Norwood	Weiner
Goode	Norwood	
Hansen	Oberstar	
Harman	Obey	
	Oliver	

Wicker	Wolf	Wu
Wilson (NM)	Woolsey	Young (FL)
	NOES—256	
Ackerman	Graham	Nussle
Aderholt	Granger	Ortiz
Akin	Graves	Osborne
Allen	Green (TX)	Ose
Armey	Green (WI)	Otter
Baca	Greenwood	Oxley
Bachus	Grucci	Pascrell
Baker	Gutierrez	Pastor
Baldwin	Gutknecht	Pence
Ballenger	Hall (OH)	Petri
Barcia	Hall (TX)	Portman
Barr	Hart	Price (NC)
Barton	Hastings (FL)	Pryce (OH)
Bass	Hayes	Putnam
Bentsen	Herger	Quinn
Berry	Hill	Radanovich
Bilirakis	Hilleary	Rahall
Bishop	Hilliard	Regula
Blagojevich	Hinojosa	Rehberg
Blunt	Holden	Reyes
Boehlert	Horn	Reynolds
Boehner	Hostettler	Riley
Bonilla	Houghton	Rodriguez
Bonior	Hoyer	Rogers (KY)
Bono	Hulshof	Ros-Lehtinen
Boozman	Hunter	Ross
Boucher	Hyde	Rush
Boyd	Isakson	Ryan (WI)
Brady (PA)	Issa	Sanchez
Brady (TX)	Istook	Sandlin
Brown (FL)	Jackson (IL)	Sawyer
Brown (SC)	Jackson-Lee	Saxton
Bryant	(TX)	Schiff
Burr	Jefferson	Schrock
Burton	John	Serrano
Buyer	Johnson (CT)	Sessions
Callahan	Johnson (IL)	Shaw
Calvert	Kelly	Sherwood
Camp	Kennedy (MN)	Shimkus
Capito	Kennedy (RI)	Shows
Capuano	Kerns	Shuster
Cardin	Kildee	Simmons
Clay	Kind (WI)	Simpson
Clayton	King (NY)	Smith (MI)
Clement	Kirk	Smith (NJ)
Clyburn	Knollenberg	Smith (TX)
Coble	LaHood	Smith (WA)
Collins	Lampson	Snyder
Cooksey	Langevin	Souder
Cramer	Larsen (WA)	Spratt
Crane	Larson (CT)	Stearns
Crenshaw	LaTourette	Stenholm
Culberson	Levin	Strickland
Cummings	Lewis (CA)	Stump
Cunningham	Lewis (GA)	Sullivan
Davis (IL)	Lewis (KY)	Sweeney
Davis, Jo Ann	LoBiondo	Tancredo
Deal	Lucas (KY)	Tanner
DeLay	Lucas (OK)	Tauscher
Diaz-Balart	Lynch	Tauzin
Dicks	Maloney (CT)	Taylor (MS)
Dingell	Manzullo	Taylor (NC)
Doolittle	Matheson	Terry
Dreier	Matsui	Thomas
Edwards	McCarthy (NY)	Thompson (MS)
Ehlers	McCrery	Thornberry
Emerson	McGovern	Tiahrt
Engel	McHugh	Tiberi
English	McIntyre	Toomey
Everett	McKeon	Towns
Ferguson	McNulty	Turner
Filner	Meek (FL)	Upton
Fletcher	Meeks (NY)	Visclosky
Foley	Menendez	Vitter
Ford	Mica	Walden
Fossella	Miller, Dan	Walsh
Frost	Miller, Gary	Watkins (OK)
Gallely	Miller, Jeff	Weldon (FL)
Ganske	Mollohan	Weldon (PA)
Gekas	Morella	Weller
Gibbons	Murtha	Wexler
Gillmor	Myrick	Whitfield
Gonzalez	Neal	Wilson (SC)
Goodlatte	Nethercutt	Wynn
Gordon	Ney	Young (AK)
Goss	Northup	
	NOT VOTING—5	
Baldacci	Evans	Traficant
Cubin	Gilman	

□ 1614

Mrs. MEEK of Florida, Mrs. KELLY, Mrs. NORTHUP, and Messrs.

CULBERSON, TANCREDO, BOOZMAN and HERGER changed their vote from "aye" to "no".

Mr. OBERSTAR, Mr. KINGSTON and Ms. CARSON of Indiana changed their vote from "no" to "aye".

So the previous question was not ordered.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUYER TO THE MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. BUYER. Mr. Speaker, I offer an amendment to the motion to recommit.

The Clerk read as follows:

Amendment offered by Mr. BUYER to the motion to recommit offered by Mr. MARKEY: In lieu of the amendment proposed on the motion, insert the following:

Page 6, beginning on line 9, strike " , or to regulate any network element to the extent it is used in the provision of any such service".

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

"(j) GUARANTEED ACCESS TO CONSUMERS FOR CLECS.—

"(1) ACCESS RULES.—

"(A) PRESERVATION OF RULES GUARANTEEING CLEC ACCESS TO INCUMBENT CARRIER FACILITIES.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

"(B) TRANSPORT SERVICES AVAILABLE TO CLECS.—

"(i) OFFERING REQUIRED.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier's serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

"(ii) TRANSMISSION OPTIONS.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier's facilities between that incumbent local exchange carrier's serving central office and (I) a customer's premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

"(iii) RATES, TERMS, AND CONDITIONS.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

"(iv) SERVING CENTRAL OFFICE DEFINITION.—For the purpose of this subparagraph, the term 'serving central office' means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

"(C) SPACE ADJACENT TO AN INCUMBENT'S REMOTE TERMINAL.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

"(D) CLEC ACCESS TO INCUMBENT CARRIER RIGHTS-OF-WAY.—Any incumbent local ex-

change carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

"(E) SCOPE.—Notwithstanding any provision of law, neither the Commission nor any State shall—

"(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

"(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

"(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

"(F) REINTERPRETATION.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier's obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

"(3) DEFINITIONS.—For purposes of this subsection—

"(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 unsolicited 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. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the motion to recommit be considered as read and printed in the RECORD.

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

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the Buyer-Towns amendment to the motion to recommit be considered as read and printed in the RECORD.

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BUYER. Mr. Speaker, the Buyer-Towns amendment to the motion to recommit, is it a debatable or a non-debatable amendment?

The SPEAKER pro tempore. The amendment is not debatable.

Mr. BUYER. It is not. So the Members have to stay here during the reading of this amendment?

The SPEAKER pro tempore. The amendment is not debatable.

The Clerk will continue to read.

The Clerk continued to read.

#### PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Mr. Speaker, with the House vote denying the minority the right for a motion to recommit, has that happened in the last 10 years, the last decade in the House of Representatives?

The SPEAKER pro tempore. The Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Has the minority in the House of Representatives been denied the sacred right of a motion to recommit in the last 20 years?

The SPEAKER pro tempore. The Chair would give the gentleman the same response, and that is that the Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. I thank the Chair.

Mr. TOWNS. Mr. Speaker, I rise today in support of my amendment to H.R. 1542.

Last year, I voted to report H.R. 1542 out of Committee. I felt that America needed to formulate a national broadband policy and that the Tauzin-Dingell Bill was an excellent first step in doing so.

I also supported a line-sharing amendment during Committee deliberations because I felt that it was critical to provide access and reasonable pricing for the competitive industry. Over the past three years, line sharing has been the most contentious issue in the broadband debate. The amendment that Mr. BUYER and I offer today represents a true compromise on this issue.

Our amendment ensures that the competitive industry will have access to all copper and fiber networks owned by the Bell Companies. They will also have FCC-regulated pricing, which will prohibit the Bell Companies from pricing the CLECs out of the market. In addition to these provisions, this amendment also safeguards important laws such as the anti-slammings provisions and it protects the E-Rate program.

Let me be candid by saying, this is not what the Bell Companies or the competitors preferred; however I strongly believe that our amendment represents the middle ground that has been sorely missing in this debate over high-speed data deployment.

I will tell you Mr. Speaker that it is my belief that our amendment does the right thing to ensure that broadband is deployed in a competitive environment. I am pleased that the AARP and the Communications Workers of America have endorsed our proposal to strike a balance that is fair to consumers and is equitable for providers.

I urge each of my colleagues to vote "yes" on the Buyer-Towns Amendment and forge a true compromise on the issue of line sharing.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this amendment.

I disagree with opponents of this amendment who argue that it would give the RBOCs a competitive advantage over smaller competitors. This amendment, a substitute amendment to the Cannon/Conyers amendment, requires RBOCs to utilize a competitor's broadband service over their network, but it does not require that they share their lines or facilities.

Although, under the bill, RBOCs would no longer be required to provide to competitors, at "wholesale rates," the use of RBOC DSL switching and routing equipment, fiber optic lines, or remote terminals, it does require

RBOCs to transmit a competitor's broadband service over their fiber lines and equipment at "just and reasonable" rates, terms and conditions set by the FCC. It also preserves the authority of the FCC to enforce consumer protection laws, and establishes a new framework under which RBOCs that use fiber lines to provide broadband services must also carry the broadband services of competitors.

Additionally, it eliminates the requirement that RBOCs permit competitors to directly connect with or be provided space in a RBOC remote terminal, but gives competitors access to RBOCs' rights-of-way so that competitors may place their own remote terminals on RBOC property near the RBOC equipment.

Importantly, this amendment guarantees that CLECs have access to customers served by RBOC company high-speed networks under FCC-regulated rates, terms, and conditions. It also preserves rules governing CLECs access to RBOC facilities, including a rule that permits CLECs to line-share on RBOC copper facilities; maintains rules governing law enforcement, pornography, slamming/cramming, privacy, access by persons with disabilities.

This amendment goes a long way towards increasing competition, access, and fairness in this important sector. I urge my colleagues to support it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment to the motion to recommit and on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER) to the motion to recommit offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment to the motion to recommit was agreed to.

The SPEAKER pro tempore. The question is on the motion to recommit, as amended.

The motion to recommit, as amended, was agreed to.

Mr. TAUZIN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit and on behalf of the Committee on Energy and Commerce, I report the bill, H.R. 1542, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 6, beginning on line 9, strike " , or to regulate any network element to the extent it is used in the provision of any such service".

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

"(j) GUARANTEED ACCESS TO CONSUMERS FOR CLECs.—

"(1) ACCESS RULES.—

"(A) PRESERVATION OF RULES GUARANTEEING CLEC ACCESS TO INCUMBENT CARRIER FACILITIES.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

"(B) TRANSPORT SERVICES AVAILABLE TO CLECs.—

"(i) OFFERING REQUIRED.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier's serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

"(ii) TRANSMISSION OPTIONS.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier's facilities between that incumbent local exchange carrier's serving central office and (I) a customer's premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

"(iii) RATES, TERMS, AND CONDITIONS.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

"(iv) SERVING CENTRAL OFFICE DEFINITION.—For the purpose of this subparagraph, the term 'serving central office' means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

"(C) SPACE ADJACENT TO AN INCUMBENT'S REMOTE TERMINAL.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

"(D) CLEC ACCESS TO INCUMBENT CARRIER RIGHTS-OF-WAY.—Any incumbent local exchange carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

"(E) SCOPE.—Notwithstanding any provision of law, neither the Commission nor any State shall—

"(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

"(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

"(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

"(F) REINTERPRETATION.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier's obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

"(3) DEFINITIONS.—For purposes of this subsection—

“(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)
Armedy	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  
Obey  
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