STEM education is critical to ensuring that all of our young people have the skills and knowledge that they need for success in college and careers.

I would also like to recognize Wheeling High School science teacher Lisa del Muro and principal Lazaro Lopez for their commitment to STEM education, which focuses on the fields of science, technology, engineering and mathematics.

I recently visited Wheeling High School to get a firsthand look at their STEM for All program, where students of all backgrounds and academic achievement are challenged in the STEM subjects. This initiative incorporates all disciplines, including the arts, languages and humanities alongside a focus on career certifications, college partnerships and technology to prepare students for post-secondary opportunities.

Congratulations again to the students at Wheeling High School. They demonstrate what can be accomplished when we make STEM education a priority.

THE REPUBLICAN BUDGET

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. In 1935 when President Franklin Delano Roosevelt signed the Social Security Act into law and then again in 1965 when President Lyndon Johnson made Medicare a reality, these were programs that our seniors depended upon. In fact, that promise was backed by a lifetime of hard work that they have backed on their own sweat and tears, and yet now we need to back it up with our commitment.

Mr. Speaker, my Democratic colleagues and I favor a budget that recognizes our dual responsibility to, yes, reduce our deficit, but not on the backs of our seniors who have already paid into Social Security and have now received Medicare benefits, who oftentimes have limited means to really have the opportunities to increase their salary. In my district, 52,000 people are over the age of 65. Only 11.9 percent of them are working. These are impossible odds.

Mr. Speaker, we need a budget, but we are not willing to do it on the backs of seniors. You make your choice. Democrats have a better way, and it's not called hurting seniors.

FANNIE MAE AND FREDDIE MAC CEOS GET HUGE SALARIES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today with some serious concerns with the continued egregious spending by Fannie Mae and Freddie Mac approving large executive salary compensations at the expense of our taxpayers. For example, the chief executive officer of Fannie Mae received $9.3 million in compensation and salary for 2009 and 2010, while the chief executive of Freddie Mac received $7.8 million for 2009 and 2010 together.

But it was a failure of these same types of company executives in the past that forced government intervention in the first place by then overstating past earnings and generating millions in improper bonuses. Now taxpayers, who have already spent $153 billion to bail them out, which doesn't include legal fees that taxpayers have to pay to keep them afloat, may require more bailout money to counter the companies' mounting mortgage losses.

Mr. Speaker, allowing this gross mismanagement of public funds to pay for extravagant salaries is unconscionable.

REPUBLICAN BUDGET PROPOSAL

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Today, the Republicans released their budget. Budgets are really moral documents, and Republicans have made clear that their moral compass puts hedge fund managers and big corporations ahead of America's middle class and senior citizens. Republicans gut education programs and investments in job creation, privatize Medicare, slash Medicaid, but leaving plenty of money to help subsidize big oil companies and to give tax breaks to those companies that put our jobs overseas.

There is another way. I have a bill that would create new tax brackets for millionaires and billionaires, still lower than those under Ronald Reagan, and would raise $74 billion in 2011.

We can bring down the deficit, and we can do it while protecting programs that create jobs and that don't further burden old people, the poor, and middle class Americans.

THE FAIR TAX

(Mr. WOODALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOODALL. Mr. Speaker, I rise today as tax day is fast approaching. We've heard a lot about the budget that's being introduced today. I'm a proud supporter of this budget because in this country we don't have a revenue problem; we have a spending problem. But what we do have is a problem with the way that we contribute revenue to this country.

There is a better way, and it is called the Fair Tax. The Fair Tax will take the burden off American taxpayers paying on what they earn and change it to a burden on what they spend. The power to tax is the power to destroy, and when we tax income and productivity, we destroy that income and productivity.

Do you want to talk about jobs in this country? Do you want to talk about a magnet for jobs in this country? The Fair Tax is the only bill in Congress that abolishes every single corporate tax break, tax loophole and tax preference. It abolishes the corporate income tax rate and tells international businesses they can locate here with the most powerful, hardest working workers on this planet.

Folks, H.R. 25, the Fair Tax, is a better way. As you fill out your tax forms this year, think about how we could do it differently next time around.

PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, what we have today is a resolution that comes under the Congressional Review Act, an act passed by a Republican Congress and President Clinton that gives the Congress the opportunity to look at the regulatory burdens imposed by the executive branch and, in a simple up-or-down vote, say do we want this regulation on the books or do we not.

Today that regulation is the net neutrality regulation the FCC has promulgated. H.J. Res. 37, the underlying bill that this rule allows us to consider, disapproves of the December 21 FCC rule concerning net neutrality on the basis that Congress did not authorize the FCC to regulate in this area. According to a D.C. Circuit Court decision in April of last year, the FCC failed to demonstrate that it had the authority to regulate Internet network management. Until such time as the FCC is given that authority by this Congress, we must reject any rules that it promulgates in this area.

Now, we will hear a lot today in the underlying resolution about the effective compromise that was crafted by the FCC. We will hear a lot about the light touch that was used by the FCC to wade into this area.

□ 1230

But, Mr. Speaker, if you don't have the authority to do it, you don't have the authority to do it. It is Congress' responsibility to delegate that authority. If folks like the underlying rule proposed by the FCC, they are welcome to bring that back as a congressional resolution.

This bill today is about congressional prerogative: Will we or will we not stand up to an executive branch that does not have the authority to regulate? We have done a sad job in this Congress in years past, Mr. Speaker, of providing that oversight responsibility. Republicans had the responsibility of providing oversight to the Bush administration, and we didn't always live up to that measure. Democrats had the responsibility to provide oversight to the Obama administration, and they haven't always lived up to that example.

We have the opportunity today to begin that step forward. Until Congress acts to delegate that responsibility, the Internet should continue as the Internet has grown and always continued as an area free of government interference, as an opportunity for entrepreneurs and investors and students and the elderly to be out there using the Internet as they see fit, free from the hand of government regulation.

I would also like to comment briefly on the nature of this rule. It is a closed rule. I came to this Congress to advocate in favor of an open process, Mr. Speaker, but it needs to be understood that the Congressional Review Act is a closed process by nature. What my constituents said to me is, ROB, if you are doing something complicated, I want you to open up the House floor and have as many amendments and as much discussion as you can because that is the right way to do things. But, what I would really prefer is you bring one bill with one idea and have an up-or-down vote for all the world to see.

Well, Mr. Speaker, that is exactly the call that we have responded to today: a simple bill, one page long that says the FCC does not have the delegated congressional authority to act in this area; and as such, their regulations shall be null and void.

With that, I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, this is indeed a simple bill, one page long. Nevertheless, it is a terrible bill, one page long, and I would like to tell you why.

Today with our economy only beginning to recover, I believe that this rule and the underlying bill will imperil one of the greatest sources of job creation and innovation in America: the Internet. Now over the past 15 years, the Internet has created more than 3 million jobs, according to a study by Hamilton Consultants. More than 600,000 Americans have part- or full-time businesses on eBay alone. And on average, new Internet firms have 3 million jobs.

Yet, the majority brings to the floor legislation that will harm the open Internet. I can speak to this with some degree of authority. Before I came to Congress, I created over 300 jobs myself through founding several Internet-related companies, including ProFlowers.com and BlueMountain.com. My first Internet company was an Internet service provider on the other end of this equation, so I have good experience from both the e-commerce side, as well as the access side which I bring to this debate. I have long supported open access to the Internet and continue to support net neutrality.

Let me bring this close to home. When I was starting a flower company, ProFlowers.com, back in the late 1990s, we offered a supply-chain solution. We brought fresher flowers to people at a better price by disintermediating the supply chain and allowing consumers to buy flowers directly from growers. Now, we were up against several legacy companies, companies like FTD and 1–800–FLOWERS, that had a different distribution model that we believed and argued in the marketplace was a less efficient distribution model.

Now, had there not been a de facto net neutrality at that point, it would be very difficult for a new company to break in, because you would have had the incumbent leaders in the marketplace buying the access through the broadband connections, much as companies will pay slotting fees to get into grocery stores, some book publishers pay fees to be out on the open table. The big difference is that we have robust competition between grocery stores, robust competition between booksellers.

With regard to broadband access, over 70 percent of the residents of this country live in areas with only one or two broadband providers. All of the dynamism—and I have not heard this disputed even by the chairman of the subcommittee who testified before us yesterday—really, the dynamism and the job growth from the Internet comes from the content and applications side. Now, if there aren't legitimate economic considerations on the bandwidth side, clearly those who are providing both wireless and wire bandwidth need to have a return on investment calculus, but it is that very same dynamism around the content-driven Internet that drives the usage that then leads people to pay more for higher speed access to the Internet.

Now, the FCC has done an exemplary job with these rules, and they have actually received buy-in from all of the major players with regard to this matter: content providers, content aggregators, search engines. And, yes, even on the broadband access side, most of the major broadband providers have supported these regulations as well. So they have done an excellent job.

I realize that what they first put out there, many people were concerned with. And they then did their job, as they were told to by congressional statute, specifically, which authorized them to do this. They listened to all parties, and they revised their net neutrality regulations so they are something that I think we can all be proud of as Americans, and we can all be proud of as users of the Internet.

Now, just to be clear how they hit their mark, because I know yesterday the chairman of the subcommittee mentioned that he thought that some of the broadband providers were coerced into supporting the protocol standards before the FCC. I don't know enough to dispute that or not. But what I will tell you is that I have impartial third-party testimony that I think is very compelling from investment bankers who follow this sector. And the way the investment banking sector works is they have analysts who really cover different stocks, cover different sectors, and they inform people about the impact of market regulations on that sector.

What I have from the Bank of America and Merrill Lynch analysts, it says: ''The agreement''—the FCC's net neutrality provisions—''is consistent with our view that the net neutrality regulatory overhang has been eliminated from telecom and cable stocks.''

Now, let me elaborate. What that means, ''net neutrality regulatory overhang,'' is there was fear among the analysts covering the telecom and cable sectors that the Obama administration would do something overarching with regard to net neutrality. There was fear based on some of the initial rules proposed. However, the FCC did their job and that fear has been eliminated. There is now no market overhang on companies in this sector, and they are no longer concerned that the regulations are overarching.

Let me go to the Goldman Sachs analyst from December of last year: The rules stuck largely to what was expected and will be viewed as a light touch.

Let me go to Raymond James: We are glad that the staff is making this

innocuous by simply placing official rules around what is already being done by the industry under a no-regulation scenario.

So again, all these rules do is essentially preserve the status quo. Why is that important? Absent this, there would be a major shift in power on the Internet to the broadband providers from the content providers. The Internet historically—again, a wonderful innovation for mankind—allows anybody with a great idea to link up a server in their garage, and their product, their service, their content is available to everybody across the world, the very same as a major corporation that spends $100 million launching a Web site, and they compete in the marketplace of ideas.

Now, some people ask: Has there ever been an instance where a provider has used tiered access or censored anything? And there are a number of instances. An example, in 2005, Madison River Communications blocked voiceover IP on its DSL network. That was eventually settled with the FCC.

In 2006, Cingular blocked PayPal after contracting with another online payment service. This is a perfect example of why we need competition on the provider side. The consumers would have access to presumably a less-efficient payment service that they would not select given their own prerogative because it is locked in through some sort of slotting fee or other arrangement, sometimes vertical integration itself under the same capital structure, as an access provider.

So this rule is actually critical to continue to operate a free and open Internet. That is why the FCC moved forward, with explicit permission from Congress in the form of their statutory authority, with rules to address this issue. Their open process included input and got vast buy-in from all major parties, including Internet service providers.

Now, there are many on the left that wish that the rule went further. And, yes, there might be some in business that prefer that there were no rules at all. The vast majority of the business community strongly supports the consensus rules that the FCC came out with.

Of those commenting on the proposed rule before the FCC, well over 90 percent supported the Commission's effort, and over 130 organizations support the proposed rule and oppose this legislation, including groups like the American Library Association, the Free Press, League of Latin American Citizens, Communications Workers of America, and the vast majority of Internet-related companies.

I also want to emphasize that there has been a number of faith-based groups that have weighed in. One of the largest is the Conference of Catholic Bishops, representing millions of American Catholics, who weighed in in a letter opposing this legislation before us today: ''The Internet is open to any speaker, commercial or noncommercial, whether or not the speech is connected financially to the company providing Internet access or whether it is popular or prophetic.'' The letter goes on to state how the Catholics have used the Internet as an outreach tool.

Now, there is legitimate fear here from two perspectives:

One, among the nonprofit and religious community in general, is that their content would receive a lower tier because they are not necessarily able to pay the same type of slotting fees or access that a for-profit commercial provider would do. So your Web page from Nike might load faster than your Web page from the Catholic Church because, if there was tiered access, who would be more likely to pay for the speed of the access.

The other fear, also legitimate, is of political or religious censorship of the Internet.

□ 1240

You could have a provider who would say, You know what? I like Obama, so I'm going to block access to tea party sites or slow them down through our broadband access.

Now, again, in a market with complete dynamism and where there was a lot of competition and where every American could choose broadband providers, that would be less problematic. But what we have is a situation where over 70 percent of Americans only have one or two choices for broadband access. There has historically been broad support from both sides of the aisle for the ''no blocking'' rule, which simply states that broadband providers cannot block lawful content. It is the equivalent of telling the Postal Service they can deliver or not deliver your mail based on whether they agree or disagree with the content. The carriers—the Internet, itself—is one cohesive entity, and what a wonderful entity for mankind, the fact that you can plug in and have access to a wide breadth of information on the Internet.

I also want to refute the argument that there is no nor should there be any government regulation of the Internet. I, actually, have several pages listed here of government regulation of the Internet, including things like regulating child pornography, including, of course, the complex set of protocols around intellectual property and intellectual property enforcement to ensure that the Internet is not used as a medium to steal or to illegally profit from the creative works of others. We go on and on with regard to e-commerce, advertising, privacy laws—a number of laws designed to protect our privacy, to protect us from abuse, and to protect us from security breaches with regard to viruses.

This is another dimension. This is to protect us from the Internet being broken apart by a series of tiered pipelines rather than one cohesive Internet. The absence of any net neutrality regime would empower selective parts of corporate America to censor the Internet in the same way that Communist China censors the Internet. If you search for Tiananmen and you're in Mainland China, you will get pictures of happy people. You will not get pictures of their crackdown on the pro-democracy demonstrators.

We risk the same potential here. The broadband actors play a critical role, and I want to make sure their concerns are balanced and that they will get their return on investment. We actually have a quote from the AT&T executive, who did appear before the committee, who said that they can use the 10- to 15-year time frame to justify a return on investments with regard to broadband infrastructure. Even Comcast has called the new rules a workable balance between the needs of the marketplace and the certainty that carefully crafted and limited rules can provide to ensure that Internet freedom and openness are preserved.

I would further argue that a free and open Internet is in the interest of the broadband providers, themselves. So not only is it not necessarily the case that they only agreed to these under duress, I think many of the forward-looking broadband providers realize that what drives Internet access and what drives consumers to want a faster, better connection is that very vibrancy in the information marketplace that net neutrality helps preserve.

So the real question is: Why are we here? Why are we here debating something that was thoughtful, that has buy-in from all sides of the debate?

I really had a tough time figuring it out even through our committee examination of this yesterday. But I think that we're here because of a knee-jerk reaction of the opposition that might have been initially opposed to some of the more overarching rules that were initially proposed before the FCC, but we've come a long way since then. This feared takeover of the Internet didn't occur. Overarching rules didn't occur. Most of the broadband providers now support the direction of the FCC. Yet, under the legislation that we will consider today, the open Internet rule and the repeal of it will provide more uncertainty to investors. They will again not know what's going to occur. The investment bankers will, once again, say there was uncertainty and overhang, hurting the valuation of the very broadband stocks that the majority is claiming to do this for the benefit of. Market analyses have found that the new open Internet rule removed the regulatory overhang—it's a light touch—which throws a monkey wrench into the market mechanisms at a critical time for our recovery and job creation.

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, DEPARTMENT OF COMMUNICATIONS,

Washington, DC, February 14, 2011.

DEAR SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES: The United States Conference of Catholic Bishops (''USCCB'') is committed to the concept that

the Internet continue as it has developed, that is, as an open Internet. The Internet is an indispensable medium for Catholics— and others with principled values—to convey views on matters of public concern and religious teachings. USCCB is concerned that Congress is contemplating eliminating the Federal Communications Commission's authority to regulate how the companies controlling the infrastructure connecting people to the Internet will offer those connections. Without the FCC, the public has no effective recourse against those companies' interference with accessibility to content, and there will be uncertainty about how and whether those companies can block, speed up or slow down Internet content. Since public interest, noncommercial (including religious) programming is a low priority for broadcasters and cable companies, the Internet is one of the few mediums available to churches and religious groups to communicate their messages and the values fundamental to the fabric of our communities.

Without protections to prohibit Internet providers from tampering with content delivery on the Internet, the fundamental attributes of the Internet, in which users have unfettered access to content and capacity to provide content to others, are jeopardized. Those protections have particular importance for individuals and organizations committed to religious principles who must rely on the Internet to convey information on matters of faith and on the services they provide to the public. The Internet was constructed as a unique medium without the editorial control functions of broadcast television, radio or cable television. The Internet is open to any speaker, commercial or noncommercial, whether or not the speech is connected financially to the company providing Internet access or whether it is popular or prophetic. These characteristics make the Internet critical to noncommercial religious speakers. Just as importantly, the Internet is increasingly the preferred method for the disenfranchised and vulnerable—the poor that the Church professes a fundamental preference toward—to access services, including educational and vocational opportunities to improve their lives and their children's lives. It is immoral for for-profit organizations to banish these individuals and the institutions who serve them to a second-class status on the Internet.

His Holiness, Pope Benedict XVI, has warned against the ''distortion that occur[s] when the media industry becomes self-serving or solely profit-driven, losing the sense of accountability to the common good. . . . As a public service, social communication requires a spirit of cooperation and co-responsibility with vigorous accountability of the use of public resources and the performance of roles of public trust . . ., including recourse to regulatory standards and other measures or structures designed to affect this goal.''

(Message of the Holy Father Benedict XVI for the 40th World Communications Day, The Media: A Network for Communication, Communion and Cooperation, Jan. 24, 2006).

Lastly, Pope Benedict XVI recently stated, ''Believers who bear witness to their most profound convictions greatly help prevent the web from becoming an instrument which . . . allows those who are powerful to monopolize the opinions of others.'' (Message of His Holiness Pope Benedict XVI for the 45th World Communications Day, January 24, 2011).

USCCB urges Congress not to use the Congressional Review Act to overturn the FCC's open Internet rules.

Sincerely,

HELEN OSMAN,
Secretary of Communications.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am proud to yield 2 minutes to a gentlelady from the committee of jurisdiction, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, if my colleague across the aisle is having a tough time figuring this out, I think we can probably help with that explanation.

First of all, if you like the Internet that you have, we are saying we want you to keep it. Mr. Speaker, there has been no market failure. Over 80 percent of all Americans are pleased with the Internet service that they have. What they do not want to see is the Obama administration step in in front of these Internet service providers and say, We the government are here to change your Internet. We are here to take control of your Internet.

That is exactly what net neutrality would do.

Net neutrality is the Federal Government stepping in and saying, We're going to come first. We're going to assign priority and value to content. It basically is the Fairness Doctrine for the Internet.

As I said, there has been no market failure, and there is no need for this government overreach. So many are saying, Why do this? It's one of those issues of power and control, of government wanting to dictate what speed you will have, how often you will be on, the type of Internet service that you will have, being able to control them.

What the FCC did after Congress left town, mind you, during Christmas week, was to step in and bring uncertainty to the marketplace. What they did was to say, We are going to put ourselves, the government, in control of the Internet. It is the first time ever this has happened.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. WOODALL. I yield the gentlewoman an additional minute.

Mrs. BLACKBURN. Also, in their net neutrality order, if you read paragraph 84, what it does is to bring an incredible amount of uncertainty to the innovative community and to the creative economy that our jobs growth is going to be based on, because what it says to these innovators is, Look, if you want to innovate a new application, a new attachment, a new usage for a Web-based service or for the Internet, you'd better come apply to the FCC first because, if you don't, we can step in and require you to come make application to us.

Now, if you want to talk about a chilling effect—a chilling effect—on all of our high-tech innovation, on health care innovation with our telemedicine concepts, with our health IT concepts, I would encourage individuals to look at paragraph 84, which is found in the net neutrality order that was brought forward on a 3–2 vote by the Obama administration. It will do more to squelch jobs growth and to pull back innovation than any other action in this administration.

Mr. POLIS. I yield myself such time as I may consume.

It's hard to know where to begin in refuting the arguments of my good friend from Tennessee.

There were several comparisons that I view as simply out of hand. One of them that was given was that this is somehow some sort of Fairness Doctrine for the Internet, that this is somehow some sort of government involvement with the Internet. Quite the contrary is true.

I want to be clear. I was an original cosponsor last session of the bill that proactively would have prevented the administration from moving forward with the Fairness Doctrine. I oppose the Fairness Doctrine. I believe in a dynamic marketplace of ideas. The FCC's rulemaking around net neutrality moved forward and fostered that very dynamic marketplace of ideas that the Fairness Doctrine is contrary to.

If we do not have some sort of net neutrality regime in place, there will be a selective censorship of the Internet, and we risk the Internet deteriorating into a series of tiered structures, whether they are tiered economically or ideologically. The great human accomplishment that is the one common Internet will simply cease to exist as such. It is, in fact, the proponents of net neutrality and the regulatory regime proposed by the FCC after receiving input from all stakeholders that will preserve the Internet as it is.

I would agree with my friend from Tennessee's argument. She said 80 percent of people are happy with their access. I hope it's even higher.

Mrs. BLACKBURN. Will the gentleman yield?

Mr. POLIS. I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

Any time you allow the Federal Government to step in to a process where they have not been involved in a process—and we did this not once but twice. We did it not once but twice.

Mr. POLIS. Reclaiming my time, I would like to engage in a colloquy with the gentlelady.

With regards to the Postal Service, would the gentlelady oppose an effort to say that the Postal Service can, perhaps, decide which mail to deliver, maybe based on which political candidates their unions support? Would the gentlelady say that that would be okay for the Postal Service to do that?

Mrs. BLACKBURN. The gentleman knows that that is not relevant to the discussion that we are having here.

Mr. POLIS. Is the gentlelady going to answer?

Mrs. BLACKBURN. What we are talking about is that the application of this is the Fairness Doctrine of the Internet.

□ 1250

Mr. POLIS. Reclaiming my time, the Fairness Doctrine is something that I oppose, I will always oppose, and it is completely consistent. The Fairness Doctrine is consistent with the approach that the gentlelady is approaching with regard to the Internet. By having net neutrality in place, we prevent any type of fairness doctrine or selective allowance of certain content to consumers of the Internet. The whole net neutrality regulatory structure is to ensure that everybody has access to putting content on the Internet in the same way, and that that content will not be discriminated against based on its ideology, based on economic considerations.

Mrs. BLACKBURN. Will the gentleman yield?

Mr. POLIS. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. We all know that anytime you give the government the ability to assign priority and value to content, you have inserted them into the decision-making process. They would precede the responsibility of the Internet service providers. And the gentleman knows there has been no market failure.

Mr. POLIS. Reclaiming my time, the absence of a net neutrality regime would be the government deliberately conveying value as gatekeepers to the broadband providers and allowing them to decide, based on religious or ideological or economic—or whatever criteria that they want—what kind of Internet they intend to serve up to their users.

I would like to add that, under the legislation we consider today, that this open Internet rule will add the very certainty to investors and companies that we need and predictability in our marketplace that allows companies to continue to grow and invest in job growth.

It strikes a balance, and it solves a real issue. Some on the other side will say, oh, this could be an issue in the future, but it hasn't arisen. Well, the rules that we are talking about do enshrine in place the very Internet, the dynamism, the fruitful discussion between different ideologies that the gentlelady from Tennessee said that she aspires to preserve. And we have already reached a point where ISPs have blocked, as a matter of fact, voice-over-IP services. And they have blocked peer-to-peer traffic, they have blocked PayPal in favor of other financial transaction companies that might have economic relationships with them.

I believe strongly in Internet, in Internet as an achievement for mankind, in Internet that net neutrality will help preserve for our generation and the next.

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

Mr. WOODALL. Mr. Speaker, I am pleased to yield 2 minutes to another gentleman from the committee, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in favor of this rule to block the FCC from regulating the Internet.

I thought the exchange between the gentleman from Colorado and the good lady from Tennessee was very telling because right now the marketplace controls the Internet. It is free—I call it wild, wild—in its applications.

Now, what the government is trying to do now, in the words of ED MARKEY during our hearing on this, was, ''We need to regulate the Internet to keep it unregulated.'' I don't get that, but it is kind of the thought from the left side of the aisle that you have to regulate it in order to prevent anything that they may disagree with.

So what we have here is an instance where now the freedoms of the Internet and the marketplace that are driving it now have to be under a regulatory scheme decided by a group of appointees of the President; not to be free, it has to be built in relation to their image. Listen to his words, it's going to be built on their image.

The analogy of Communist China regulating the content can't happen today. They talk about blocking, that these ISPs will stop us from going to our Web sites. There have been a handful of those situations; and every time, the public marketplace chastises them openly. There were a few times the FCC even called up and said, hey, you can't do that under the principles that were adopted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOODALL. I yield the gentleman 1 additional minute.

Mr. TERRY. And so those were resolved by, yes, a little bit of involvement, but the marketplace.

Now the comparison to Communist China here from the gentleman is appropriate when you look at how this measure was implemented. The President campaigned on net neutrality. Congress would not authorize it because Congress as a whole bipartisanly disagreed with net neutrality, giving a regulatory bureaucratic agency control over the Internet versus free market.

So since Congress wouldn't pass it, sua sponte they just rose up and said we don't have the authority—well, they didn't say they don't have the authority, but Congress never gave them the authority to regulate the Internet, so they're just assuming that they're going to take that power away from the people and the marketplace and do it themselves. That is where the analogy to Communist China is appropriate.

Mr. POLIS. I would argue that, in Communist China, the residents there do not have access to the Internet. What they have access to is an Internet minus, and Internet minus are sites that their government deems inappropriate. We risk going down that same route if we don't enshrine, in rule or in law, net neutrality provisions that ensure that there is an open and free Internet and that American citizens have access to the Internet in its entirety, not with being sensitive because of economic or religious reasons.

One of the simple components of this rule is the no-blocking rule. This states very specifically, a broadband provider cannot block lawful content. A provider cannot say, I don't like Catholics; I'm not going to allow Catholic content through our broadband. A provider cannot say on my Internet we are blocking access to Tiananmen because I have business deals in China. We need to ensure that the Internet, as one entity, is available to all Americans who buy access.

And again, the broadband providers themselves, out of their own economic self-interests, endorse this concept because they truly understand, with the fiduciary responsibility of their own shareholders, that the very dynamism that leads to the increase in popularity of the Internet relies on it being an open and free Internet. And without these protections that are afforded by the FCC's open Internet rules, the abuses that have already occurred are just a small sign of far worse things that will come.

In expressing support for killing the open Internet rule with this bill, a witness for the majority brought to Capitol Hill said that ISPs should be allowed to block lawful content and said, ''It is appropriate because you block the source of the problem. If the person that is violating your acceptable use policy is Netflix, you block Netflix.'' In effect, you would empower broadband providers to bully around content providers—be it Netflix, be it Yahoo—and say, you know what? I don't like the fact that you are renting this movie; I don't like the fact that you are linking to this news. That's the direction that Communist China has gone, and that is the direction that America and the global Internet will go if we fail to preserve the net neutrality regime that is before us.

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

Mr. WOODALL. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the gentleman from the Rules Committee for his good work on this issue.

Mr. Speaker, there are a number of issues I would like to address as chairman of the Communications and Technology Subcommittee.

First of all, when it comes to the notion that the FCC—or let me back up—these carriers that give us the Internet might somehow regulate religious speech, it's interesting to note that the FCC, in its own order, threatens and pulls out specifically a threat to religious content. Paragraph 47, footnote 148, which I'm sure the gentleman from Colorado must know about, says that a religious organization would be prohibited from creating a specialized Internet-accessed service.

Now, there is an Internet provider out there called Koshernet that wanted

to have a special service for those religious subscribers who happen to agree, if they don't want to be exposed to things on the Internet that they are bound to regarding their religion. So the issue that the FCC points out is that, oh, we're not going to allow that to happen under these rules. So you can't have a separate Internet provider that is just set up for its own subscribers that just wants to have a filter on the Internet, if you will, for those who want to subscribe to that because of their religious beliefs. So already you see a government getting involved at the head end.

Now, we've seen in Egypt where the government is involved and had a kill switch and just turned it off when opponents of the government got engaged. We've heard a lot about China, and we all know the various back doors to the Internet there that they tried to put in to regulate speech, to control access to content and all of that.

□ 1300

That's the government doing that.

We know this country for many years operated under the Fairness Doctrine. That was the government trying to regulate political speech on the broadcast airwaves. It wasn't until President Reagan's FCC after a couple of court decisions basically said that trips right up against the First Amendment that President Reagan's FCC repealed the Fairness Doctrine. Congress tried a couple of times to put it back in place. What we should be about is a free and open Internet.

And that's what we've had, and that's what allowed this incredible explosion of technology and innovation to take place. And it has not taken place because the government picked winners and losers on the Internet because the engineers and scientists and technicians and innovators and entrepreneurs did that on the existing Internet.

Now, along comes the government, the Federal Communications Commission, on a 3-to-2 partisan middle-of-the-night sort of decision, if you will, right over the holidays to say, We're going to seize control and regulate the Internet. Now, that's not been done before, although they tried in the Comcast BitTorrent case where they tried to regulate the Internet once before. But the court here in Washington, D.C. said they lacked the authority. They had not proven—they had failed to demonstrate that they had the authority.

And so the court struck them down pretty clearly in part because they relied on a statement of policy, and the court said a statement of policy does not constitute statutorily mandated responsibilities.

Previously, the FCC rule, by the way, that section 706 did not constitute an independent grant of authority and has not overruled that prior decision. Now, that's important, because section 706 is part of the foundation upon which they think they have this authority, even though in a prior case they've said that didn't grant them an independent grant of authority.

Regulating otherwise unregulated information services is not reasonably ancillary to the section 257 obligation to issue reports on barriers to the provision of information services.

There are a number of issues here that bring us to the rule that we have today on the Congressional Review Act that would repeal the rule that the FCC put in place at the end of the year and notified us on.

Now, why are we using the Congressional Review Act? It is a very specific, very narrow, very targeted bipartisan-created process.

The current leader of the Senate, HARRY REID, was an advocate and supporter of the congressional review process because it allows Congress to step in when an agency has overstepped its bounds on a major rule and say, No, you don't have the authority, or, We disagree with the rule, and so we chose this CRA process to overturn this rule that a partisan group of unelected officials chose to enact exceeding their authority.

Now Congress, whether you're for net neutrality regulation under title I or title XX or no title at all, you should not stand idly by when an agency exceeds its statutory authority.

I think, ultimately, this will be thrown out in court, once it's ripe for a court to review, as the court has slapped down the FCC in the past.

The long and the short of it, though, is that, in relying on section 706, they may have inadvertently opened the door for State regulation of the Internet, because section 706 says that the FCC and State commissions shall have certain authorities and goes on to explain that in the first title of that act.

I don't think any of us here wants that door to be opened, but the FCC, in its naked grab for power it does not have, chose to base part of their decision on section 706.

Now, I heard, as I was coming over here, a recitation of my comments last night in the Rules Committee by my friend and colleague from Colorado that all of the major companies support this, or virtually all, and, gee whiz, they did this voluntarily at the FCC. Well, come on. None of them will publicly admit to the fact that the FCC had, holding over their head, a title II proceeding that would have treated the Internet as a common carrier, as simple telephone service with a highly regulated environment.

And it's one of those Hobson's choices: either go with us with title I, which is ''light regulation'' but opens the door to government regulation for the first time of the Internet, or we may come after you on title II. Now, to back up that argument, I would point out that there's an open proceeding at the moment on title II. They have never closed their title II proceeding.

So these companies have a lot of other issues before the FCC, like mergers—has anybody ever heard of those?—and other things. They are their regulator.

I was regulated by the FCC for 22 years as a license holder in broadcast stations. The last thing you're going to do is poke your regulator. And when your regulator has you by your license or by your next merger, you're probably going to acquiesce to the lesser of two evils, which is what happened here.

So, Mr. Speaker, and to the ladies and gentlemen of the House, I would encourage you to support this rule. It's narrow. It's defined. It's closed for a reason, because the parliamentarians and others have told us basically there's no real way to amend this and carry out its lawful action. And so in a rare instance, this makes sense to have a closed rule.

Mr. POLIS. The gentleman from Oregon mentioned KosherNet and other sites that might want to provide proprietary content. I want to be clear that this rulemaking and rulemaking process has nothing to do with proprietary networks. It refers to the Internet.

I hold several patents with regard to Internet technologies. In those, as is common among Internet patents, we describe the Internet as an open-ended gateway network. To the extent that there are thriving proprietary networks, be they religiously affiliated or commercial, the FCC is not talking about those with regard to this matter.

Mr. WALDEN. Will the gentleman yield on that point? Because I don't believe that was the case.

Mr. POLIS. I will be happy to enter into a colloquy with you on your time.

An article from yesterday's StarTribune says, ''Court rejects suit over Net-neutrality rules.'' This happened yesterday. A Federal appeals court rejected a lawsuit by Verizon and MetroPCS to challenge the Federal Government's communications rules, the FCC's communications rules.

Now, what I want to point out is, like many newspaper sites, this was a decision between me and the newspaper site, an economic decision about how I would get access. Now, some newspapers want to charge for access, others don't. I was happy the Minneapolis StarTribune allowed me access because I wasn't about to pay.

How do they pay for it? They have a couple ads in here. Apparently, Bill Maher is going to be at Mystic Lake Hotel and Casino, coming up. I won't be there, but maybe most of the folks who read the Minneapolis StarTribune would consider that.

And then there's something called License to Thrill, also at Mystic Lake Casino and Hotel. Now, I assume they found that many of the viewers of the Minneapolis StarTribune might be interested in Mystic Lake. And again, it was their decision, the Minneapolis StarTribune's decision, Do we sell for access?

By the way, The New York Times, I think, is starting to charge for access. I'm going to have to decide whether

I'm going to have to try to just make do with their free portion or somehow loop in an online subscription. I do pay for The Wall Street Journal online. It's worth every penny. It's a good publication. But it's hard to strike that balance.

What you are doing—what this body is considering by not having a net-neutrality regime in place is to add another party to this contract between me and the StarTribune. And you know what? It is not good enough, JARED POLIS and the StarTribune, that they're letting you access and you have to pay. There's also the provider. And you know what? You could have the provider say, You know what? We're not going to serve up these ads. We're going to serve up our own ads. You know what? We're not going give you access to the StarTribune unless you buy our newspaper plus service for an extra $14.95 a month.

You're changing the value chain in a way that is unprecedented and conveying enormous value because you're putting them in charge of the whole Internet of the providers and the bandwidth and the pipelines. Yes, they are important to have and, yes, they need to have a return on investment and, yes, they support the FCC rules as a fair way to do that. Yes, given their druthers, would they rather have a reach and control of the Internet? Sure. They'd rather control all the ad space on every newspaper and every other Web site. But they know that's a reach. There's no serious market valuation that's given by investors or investment analysts to that reach scenario that would threaten and kill the very Internet itself by interspersing a third party on my private agreement with the Minneapolis StarTribune. That's why we need to have a free and open Internet for all to ensure that there's not another party that comes in and steals the intellectual property and the usage of others and conveys it to their own advantage. And that's exactly what the very reasonable FCC rules put into rule.

[From StarTribune.com, Apr. 4, 2011]

COURT REJECTS SUIT OVER NET-NEUTRALITY RULES

A federal appeals court on Monday rejected as ''premature'' a lawsuit by Verizon and MetroPCS challenging the Federal Communications Commission's pending rules aimed at keeping Internet service providers from blocking access to certain websites or applications. The decision, by the U.S. Court of Appeals for the District of Columbia circuit, is a first-round victory for the FCC and its chairman, Julius Genachowski. But the real battle over the agency's attempt to regulate broadband providers has barely begun. Several broadband companies, and some consumer advocacy and public interest groups, are likely to return to court this year to challenge aspects of the rules. Edward McFadden, a Verizon spokesman, said Monday that the company intended to refile its lawsuit this year. The House will take up a joint resolution condemning the new Internet access rules this week.

TEXAS INSTRUMENTS TO BUY RIVAL FOR $6.5B

Texas Instruments Inc. said Monday that it has agreed to buy competitor National Semiconductor Corp. for $6.5 billion. The all-cash deal, if it goes through, will give Dallas-based Texas Instruments a larger stake in the field of analog semiconductors—devices that are used to convert real- world signals, such as temperature readings or voice recordings, into digital signals.

GOOGLE BIDS $900M FOR NORTEL'S PATENTS

Google Inc. said it was willing to pay $900 million for patents held by Nortel Networks Corp., the bankrupt communications technology company. The Internet search giant couched its bid as a pre-emptive strike to defend against patent litigation. Analysts say Mountain View, Calif.-based Google is wrestling with a major increase in patent litigation from so-called patent trolls and competitors. A major patent portfolio such as the one from Nortel would give Google ammunition in these lawsuits. In the last 12 months, Google has been hit with 39 patent lawsuits involving its Android mobile phone operating software.

PFIZER TO SELL CAPSUGEL UNIT TO KKR

Pfizer Inc., the world's biggest drugmaker, agreed to sell its Capsugel manufacturing unit to KKR & Co. for $2.38 billion in an effort to focus on its higher-profit business developing new medicines. The New York-based company lowered its yearly revenue forecast after backing out Capsugel, a unit that makes wholesale pill casings and had $750 million in sales last year. Pfizer said it will use proceeds from the deal to expand a planned $5 billion share repurchase.

JAPAN'S CRISIS WILL PUSH UP SOME COMMODITIES

Copper, iron ore and beef are likely to benefit from rising demand in Japan as the country recovers from a record earthquake and tsunami that triggered a nuclear crisis. Rebuilding may drive demand for steelmaking materials and metals used in construction, said Ben Westmore, a commodities economist at National Australia Bank in Melbourne. Demand for imported beef and dairy products may increase because of damage to local protein supply, Rabobank Australia analyst Wayne Gordon said.

GOLDMAN CEO'S COMPENSATION NEARLY DOUBLES

Goldman Sachs Chairman and CEO Lloyd Blankfein's $19 million compensation for 2010, almost double the prior year, ended two years in which the firm's top executives gave up cash bonuses. Blankfein's pay included $5.4 million in cash, $12.6 million in restricted stock, a $600,000 salary and about $464,000 in other benefits, a proxy statement from the New York-based firm showed. Blankfein's $9.8 million pay for 2009 included $9 million in restricted stock plus salary and other compensation.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I would like to yield 2 minutes to the chairman of the subcommittee, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I just want to point out that back on KosherNet, the Federal Communications basically singled that out and said, no, you can't, as an Internet service provider, have that kind of separate system. You can't filter out even if you want to. And I think that's different.

As for the court decisions the gentleman referenced, I don't necessarily know where he's going on that. But I understand the court said the time is not right yet for the appeal by Verizon and MetroPCS on the Internet rules, not right because the Federal Communications Commission has not put these rules into the Federal register because they haven't completed some of their due diligence, apparently, on the effects on business.

□ 1310

So that will still be ripe to litigate later on. The other point I want to make is understand that while these rules promulgated, I believe, outside the authority of the FCC apply to the Internet service provider, the pipes if you will, they do not apply to the content providers on the other end. So in other words, once you get on the freeway, as we know the Internet, you want to get out into the neighborhoods eventually. And so a lot of people go to a particular search site let's say, a search engine, and that search engine is making enormous decisions about where you end up on the Internet.

Those search engines and other providers like that, they are not under these rules at all. And I would suggest I am not eager to have them under these rules. But I find it fascinating that they can block, they can tackle, they can hide, they can change their algorithms.

So you know, by the time you search for something, you may get moved from number one in your category to No. 71 because they make some decision in their algorithm. So there is a lot going on out there.

But I would say this: Most Americans have access to broadband, most of us are on the Internet, and we are a very powerful community when somebody misbehaves. And generally, the Internet has been successful because misbehavers have been punished by the consumers in an open and free marketplace effectively and quickly and much better than through a government regulatory regime.

Mr. WOODALL. Mr. Speaker, I yield myself 60 seconds just to say in this theme of folks with the best of intentions ending up with the tremendous burdens on small business, I have just been informed and would like to inform this body that the Senate has passed H.R. 4, the House's repeal of the burdensome 1099 regulation requirements in ObamaCare, by a vote of 87–12. The bill is now on its way to the President for his signature.

This represents a huge win for American small businesses, a huge win for the abolition of burdensome government regulation, and the first official partial repeal of ObamaCare that will go to the President's desk and become law.

I reserve the balance of my time.

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

First with regard to the 1099 closing, I think again we can applaud this as a step forward for small business. Many of us wish that there could have been a different way of paying for it, and I did support it twice in the last session of Congress. While there are major winners, and small businesses are, and we

needed to close the 1099 loophole, and I am glad we did, the losers under this are American families making about $80,000, $85,000 a year, who will be stuck with a large Republican tax increase.

Mr. Speaker, with regard to net neutrality, it is indeed a brave new world that we face on the Internet. And I have been an Internet user since the early 1990s. As I mentioned, my first company was an Internet service provider. So I have experience on that front. It is the very dynamism of the Internet itself that brings its value to humanity and to Americans. That is why it is important to protect under net neutrality and open Internet provisions.

Another critical provision that has generally had support from across the aisle in prior sessions has been a transparency requirement that would require broadband providers to inform consumers about how or whether they are tiering access. Part of the issue has been we only find out about these things after the fact, after a very technical analysis, and accusations are made and have to be discovered. We would like to know. And one of the reasons I oppose this rule is Ms. MATSUI offered an amendment that would have increased consumer confidence and led to greater investment in broadband infrastructure by supporting a simple transparency requirement with regard to this matter.

Net neutrality keeps the Internet free and open. It is that simple. Just as the postal service can't discriminate in delivering legal content, so too the Internet should not discriminate in delivering legal content. Proprietary networks can work their will. And the gentleman from Oregon mentioned Koshernet or people, users, that might only want certain access on their machines. They are empowered to do that under open Internet regulations.

They can have programs on their local machine that can say, you know what—many parents do this—they want to have parental controls or block certain sites. They can only have certain sites that are accessible and block down all other sites. Many people, they are empowered to do this not by their provider, no. They are empowered to do this by choosing the software and the service that they use to be able to restrict the Internet for themselves or for a minor that lives in their home.

These decisions should not be made by large multinational corporations deciding which Internet you have your own access to. Seventy percent of American families only choose between one or two broadband providers. For them to have access to the Internet, not the Internet minus like they have in China, not the Internet minus that too many Americans could face if we don't encode open Internet regulations into rule or law, if we want to retain that access we need to make sure that the value of the Internet and the dynamism that is created by the content and application providers have unfettered access to consumers in America and across the world.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time I am pleased to yield 4 minutes to a thoughtful member of the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Let me just bring to the attention of this side of the aisle that some of the issues you are talking about, transparency, moves into privacy. We hope in the near future we do have a privacy bill, but I think some of the things you are concerned about impacted with the privacy, and not necessarily in this debate dealing with House Joint Resolution 37.

As a former ranking member of the Telecommunications Technology Subcommittee, both the ranking member, JOE BARTON, and I have sent three letters to FCC Chairman Genachowski expressing simply our strong opposition to his plan to regulate the Internet. In fact, I have introduced legislation the past two Congresses to try to prevent the implementation of the net neutrality rules, and other Members have supported us. So there is a long record here, I would say to my colleague on that side of the aisle, of our side trying to prevent Genachowski, the chairman of the FCC, from regulating the Internet.

In fact, he went so far as to step out and try to do it. There was a Comcast case. In an April of 2010 decision, the court found that the FCC failed to demonstrate it had ancillary authority under title I. So under title I, the courts ruled they did not have the authority to regulate Internet network management.

So I think the courts themselves have corroborated what Mr. WALDEN has indicated. So, you know, what you are arguing is against a court case that actually occurred. And as far as the technicality that Verizon was involved with, they are going to continue their suit. They feel they have a strong argument, and as Mr. WALDEN pointed out, it was just by a technicality. They are going to continue to go forward.

I will also mention a little bit what the chairman, Mr. WALDEN, has indicated dealing with the 706 rule. The FCC claims it has authority to enact this under the 706 rule of the 1996 Telecommunications Act. I was one of the conferees on that act. And they are using this as a way to advance telecommunications capability, saying they have the authority. But they can't rely on 706 because as the agency has previously acknowledged, acknowledged themselves, section 706 is not an independent source of authority, because 706 talks of removing barriers to infrastructure investment, but the rules themselves will erect barriers to investment.

So the FCC's claim simply stretches the authority under these provisions. So I think between the Comcast case and the interpretation of 706, they don't have any authority do this. In a larger sense, what we are talking about is when the FCC moves out and starts to regulate the Internet, that creates uncertainty in the economy, uncertainty into people who are investing vast sums of money for fiber optics so that they can spread broadband. And heaven knows we don't need in this economy this uncertainty.

So I think the FCC was unwise just from a standpoint of the economy to strike this uncertainty. The Internet, as has been pointed out, exists. It has been open and thriving for all these years because of a deregulatory approach. If we step in and let the FCC start to regulate the Internet under title I, then it's going to create this uncertainty, and that's in fact why Verizon is moving forward.

As others have pointed out, a lot of people are fearful of the FCC. That's why they won't say anything. As many of us know, lots of times when you are in a situation where you have an empowering authority up there that can regulate you, you don't want to get those people upset with you. So you are very delicate in how you move. So the people are saying basically that, oh, we are not going to say anything; but silently they are telling us, certainly they are telling us on this side that they cannot see any reason for the FCC to start to regulate.

□ 1320

There is no crisis warranting them to do this. The example used with his newspaper in Minneapolis is not a crisis. So the FCC hangs its adoption of network neutrality rules based upon speculation and future harm.

I urge the passage of this rule.

Mr. POLIS. The net-neutrality rules are consistent with the D.C. circuit ruling in Comcast v. FCC and, in fact, that advances the congressional mandates. The rule fulfills the FCC's mandate from Congress and their mandate to encourage broadband deployment by supporting innovation and investment among their other duties.

And, in fact, last year Congress had a chance to advance legislation in the area around protecting Internet freedom, and that legislation was supported by many public interest organizations, high-tech companies and, yes, many broadband carriers. That would have put in statute a set of net neutrality rules and that would have definitively, through statute, removed the threat of title II classification. Unfortunately, that legislation was blocked by Republicans in the House.

So, again, I think when Mr. WALDEN mentioned that there were some folks on the broadband side that might have been coerced into supporting something, fearing that there would be a threat of title II reclassification, it was the activities of Republicans that specifically prevented the removal of that title II reclassification threat. And,

again, I would like to point to remarks by many investment bankers that it has not been seen as any serious regulatory overhang with regard to the valuation of stocks in that area because there is no effort to move forward with title II regulation.

Obviously, with regard to this matter, if it's creating, somehow, this much controversy around what should be noncontroversial rules enshrined into place the current free and open Internet policies that have seldom been violated, but we fear might be violated more in the future, if that's provoking this kind of discussion, even though all the major stakeholders discuss it, you can imagine what type of discussion would ensue if there was a serious effort to reclassify under title II.

Mr. STEARNS also mentioned that maybe the committee will begin work on what type of statutes we might have. Certainly, specifically, I am curious. I asked Mr. WALDEN as well yesterday if the committee would consider no-blocking rules, would the committee consider transparency requirements, do they think that they, in fact, could do a better job than the FCC and that this body, with its vast knowledge of the Internet and DNS architecture, would do a better job than the FCC.

I think, you know, one of the clear things that I would like to see and I think this body would like to see, and why I oppose this rule, is if we are talking about repealing the FCC's rules, what is the work product of this body? What is the replace? It's repeal and replace.

I think there has been some acknowledgment. In fact, the gentleman from Florida (Mr. STEARNS) mentioned that the committee might work on some of these areas. What is that proposed body of work? Why are we not looking at repeal and replace and what we are replacing it with. Is it going to be similar to former Chairman WAXMAN's net neutrality bill of last year? Are there substantial changes that have—buy-in across the aisle?

Can we do better? Frankly, I'm skeptical. But if the gentleman would like to advance the work product of his committee and come forward with a clear decision between what we would be replacing it with, I would be certainly open to seeing if, in fact, the work product of the committee is better than the work product of the FCC with regard to this matter.

Mr. Speaker, the Internet has been of immense value to mankind, to America, to me personally and to all of us personally. It's contributed to our culture, our economic advancement, to the flow of free ideas.

We should not trade the freedom of the Internet, the freedom of the Internet has been an open, superhighway for a toll road controlled by and for Internet service providers alone. There is a balance to be struck, and the process of finding that balance is under way by thoughtful people in an open and inclusive process.

Today's action by the Republicans short circuits that process and imposes simplistic, highly ideological solutions on what is actually a complex issue that has shared ideals for preserving a free Internet, free of government involvement. We can find bipartisan consensus.

The FCC order came close to striking that correct balance, far closer than the status quo. That's why it's supported by Internet service providers themselves, consumers groups, the high-tech community, content providers, and faith-based organizations.

We must keep the Internet free by allowing the FCC to move forward with the open Internet role, and we should be debating this on an H.R. bill under an open rule. I encourage my colleagues to support the open Internet by opposing the previous question and this rule.

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

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

There is a promo out these days for a new television show that's coming on. It's about the CIA and chronicles the fellow's first day at the job at the CIA. He walks in and he looks around and he can't believe the disarray that he sees there. And his senior adviser there steps up and he says, son, have you ever walked into a post office and said, my gosh, I have stepped into the future?

And the answer is, no, the government is not the location where innovation thrives.

To hear this conversation today about how we need government regulation to protect the Internet, Mr. Speaker, we need to protect the Internet from government regulation, and that's why we are here today with this underlying resolution.

This FCC proposal is a solution to a problem that doesn't exist. To quote my friend from Colorado, as he was quoting the investment banks, these official rules are around what is already being done in the private sector. It's a solution to a problem that doesn't exist.

Mr. Speaker, it's a solution to a problem that doesn't exist using authority that the FCC does not have. It's interesting being down here today, as my colleague from Colorado talks about all the big businesses that have bought in and all the investment banks that bought in.

I have to say I don't give two hoots that big business and investment banks have bought in. If the authority does not exist to do it, then it should not be done. Over and over again, Mr. Speaker, we hear from this administration about how they can help, how they can help to solve problems, problems that exist and apparently now problems that don't exist.

If the authority does not exist, they cannot be allowed to regulate in this area, and that's why the subcommittee has brought this forward.

So we have a solution to a problem that doesn't exist using authority that doesn't exist, and where does this lead us?

I want to read to you, Mr. Speaker, from the FCC order dated December 21 of last year: Finally, we decline to apply our rules directly to coffee shops, bookstores, airlines, and other entities that acquire their Internet service from a broadband provider.

Although broadband providers that offer such services are subject to these rules, we note that addressing traffic is a legitimate network management purpose for these premise operators.

Authority that does not exist and the FCC says, in its benevolence, in its benevolence, that at this time it chooses, it chooses, Mr. Speaker, not to regulate the way that coffee shops, bookstores, and airlines provide Internet service to their customers.

Folks, this is the camel's nose under the tent. That is why we have to be vigilant. It doesn't matter if we like the underlying rule. It doesn't matter if the authority does not exist, Mr. Speaker.

We are obligated as one of three branches of government, we are obligated to step in where regulatory authority exceeds its bounds. Now, as we have said, the courts have already looked at this decision and decided, as we have, that the FCC does not have authority to act in this area, solution to a problem that doesn't exist, using authority that it doesn't have that starts to pave the way to regulate coffee shops, airlines and bookstores.

Mr. Speaker, this is a simple rule for a simple bill. We have talked so much about 2,000-page bills with lots of hidden consequences. We have talked broadband section 1099 of the health care act now being repealed and passed now by the Senate and going on to the President's desk. I want to read to you this bill in its entirety if you will permit me the time:

''Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rules submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices, and such rule shall have no force or effect.''

□ 1330

That's it. That's it, eight lines, ''no force or effect.''

Mr. Speaker, I urge strong support from my colleagues for this rule that will then bring to the floor H.J. Res. 37 and allow, in its brevity, its complete and total consideration.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 175, not voting 16, as follows:

[Roll No. 226]

YEAS—241

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—175

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Cleaver
Cooper
Courtney
Engel
Frelinghuysen
Garamendi
Giffords
Hinchey
Holden
Kind
Lipinski
Meeks
Sanchez, Loretta
Schwartz
Van Hollen
Young (FL)

1355

Ms. TSONGAS, Ms. WOOLSEY, Messrs. CONYERS and GUTIERREZ changed their vote from ''yea'' to ''nay.''

Mr. LATOURETTE changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 226, had I been present, I would have voted "nay."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan, and their families, and all who serve in our Armed Forces and their families.

PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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

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

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 227]

YEAS—241

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Conyers
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis