

Take this net neutrality bill off the floor today. Instead, bring a clean CR so we can all vote and keep this government running so we can get a final deal.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1315

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 1 o'clock and 15 minutes p.m.

DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

Mr. WALDEN. Mr. Speaker, pursuant to House Resolution 200, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

Mr. MCGOVERN. Mr. Speaker, pursuant to clause 3 of rule XVI, I demand the question of consideration.

The SPEAKER pro tempore. The question is, Will the House now consider the joint resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 174, not voting 20, as follows:

[Roll No. 250]

YEAS—238

| | | |
|-------------|--------------|-------------|
| Adams | Buerkle | Duffy |
| Aderholt | Burgess | Duncan (SC) |
| Akin | Burton (IN) | Duncan (TN) |
| Alexander | Calvert | Ellmers |
| Amash | Camp | Emerson |
| Austria | Campbell | Farenthold |
| Bachmann | Canseco | Fincher |
| Bachus | Cantor | Fitzpatrick |
| Barletta | Capito | Flake |
| Bartlett | Carter | Fleischmann |
| Barton (TX) | Cassidy | Fleming |
| Bass (NH) | Chabot | Flores |
| Benishek | Chaffetz | Forbes |
| Berg | Coble | Fortenberry |
| Biggert | Coffman (CO) | Foxx |
| Bilbray | Cole | Franks (AZ) |
| Billirakis | Conaway | Galleghy |
| Bishop (UT) | Cravaack | Gardner |
| Black | Crawford | Garrett |
| Blackburn | Crenshaw | Gerlach |
| Bonner | Culberson | Gibbs |
| Bono Mack | Davis (KY) | Gibson |
| Boren | Denham | Gohmert |
| Boustany | Dent | Goodlatte |
| Brooks | DesJarlais | Gosar |
| Broun (GA) | Diaz-Balart | Gowdy |
| Buchanan | Dold | Granger |
| Bucshon | Dreier | Graves (GA) |

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|-----------------|---------------|---------------|
| Graves (MO) | Mack | Rohrabacher |
| Griffin (AR) | Manzullo | Rokita |
| Griffith (VA) | Marchant | Rooney |
| Grimm | Marino | Ros-Lehtinen |
| Guinta | McCarthy (CA) | Roskam |
| Guthrie | McCaul | Ross (FL) |
| Hall | McClintock | Royce |
| Hanna | McCotter | Runyan |
| Harper | McHenry | Ryan (WI) |
| Harris | McKeon | Scalise |
| Hartzler | McKinley | Schilling |
| Hastings (WA) | McMorris | Schmidt |
| Hayworth | Rodgers | Schock |
| Heck | Meehan | Schrader |
| Heller | Mica | Schweikert |
| Hensarling | Miller (FL) | Scott (SC) |
| Herger | Miller (MI) | Scott, Austin |
| Herrera Beutler | Miller, Gary | Sensenbrenner |
| Huelskamp | Mulvaney | Sessions |
| Huizenga (MI) | Murphy (PA) | Shimkus |
| Hultgren | Myrick | Shuler |
| Hunter | Neugebauer | Shuster |
| Hurt | Noem | Simpson |
| Issa | Nugent | Smith (NE) |
| Jenkins | Nunes | Smith (NJ) |
| Johnson (IL) | Nunnelee | Smith (TX) |
| Johnson (OH) | Olson | Southerland |
| Johnson, Sam | Palazzo | Stearns |
| Jones | Paulsen | Stivers |
| Jordan | Pearce | Stutzman |
| Kelly | Pence | Sullivan |
| King (IA) | Peterson | Terry |
| King (NY) | Petri | Thompson (PA) |
| Kingston | Pitts | Thornberry |
| Kinzinger (IL) | Platts | Tiberi |
| Kline | Poe (TX) | Tipton |
| Labrador | Pompeo | Turner |
| Lamborn | Posey | Upton |
| Lance | Price (GA) | Walberg |
| Landry | Quayle | Walden |
| Lankford | Reed | Walsh (IL) |
| Latham | Rehberg | Webster |
| LaTourette | Reichert | West |
| Latta | Renacci | Westmoreland |
| Lewis (CA) | Ribble | Whitfield |
| LoBiondo | Rigell | Wilson (SC) |
| Long | Rivera | Wittman |
| Lucas | Roby | Wolf |
| Luetkemeyer | Roe (TN) | Womack |
| Lummis | Rogers (AL) | Woodall |
| Lungren, Daniel | Rogers (KY) | Yoder |
| E. | Rogers (MI) | Young (IN) |

NAYS—174

| | | |
|---------------|----------------|----------------|
| Ackerman | DeLauro | Larsen (WA) |
| Altmire | Deutch | Larson (CT) |
| Andrews | Dicks | Lee (CA) |
| Baca | Dingell | Levin |
| Baldwin | Doggett | Lewis (GA) |
| Barrow | Donnelly (IN) | Lipinski |
| Bass (CA) | Doyle | Loebuck |
| Berkley | Edwards | Lofgren, Zoe |
| Berman | Ellison | Lowey |
| Bishop (GA) | Engel | Lujan |
| Bishop (NY) | Eshoo | Lynch |
| Blumenauer | Farr | Maloney |
| Boswell | Fattah | Markey |
| Brady (PA) | Filner | Matheson |
| Braley (IA) | Frank (MA) | Matsui |
| Brown (FL) | Fudge | McCarthy (NY) |
| Butterfield | Garamendi | McCollum |
| Capps | Gonzalez | McDermott |
| Capuano | Green, Al | McGovern |
| Cardoza | Grijalva | McIntyre |
| Carnahan | Gutierrez | McNerney |
| Carney | Hanabusa | Michaud |
| Carson (IN) | Hastings (FL) | Miller (NC) |
| Castor (FL) | Heinrich | Miller, George |
| Chandler | Higgins | Moran |
| Chu | Himes | Murphy (CT) |
| Ciilline | Hinojosa | Nadler |
| Clarke (MI) | Hirono | Napolitano |
| Clarke (NY) | Holden | Neal |
| Clyburn | Honda | Olver |
| Cohen | Hoyer | Owens |
| Connolly (VA) | Inslee | Pallone |
| Conyers | Israel | Pascarella |
| Cooper | Jackson (IL) | Pastor (AZ) |
| Costa | Jackson Lee | Perlmutter |
| Costello | (TX) | Peters |
| Courtney | Johnson (GA) | Pingree (ME) |
| Critz | Johnson, E. B. | Price (NC) |
| Crowley | Kaptur | Quigley |
| Cuellar | Keating | Rahall |
| Cummings | Kildee | Rangel |
| Davis (CA) | Kind | Reyes |
| Davis (IL) | Kissell | Richardson |
| DeFazio | Kucinich | Richmond |
| DeGette | Langevin | Ross (AR) |

| | | |
|------------------|---------------|-------------|
| Rothman (NJ) | Serrano | Van Hollen |
| Roybal-Allard | Sewell | Velázquez |
| Ruppersberger | Sherman | Visclosky |
| Rush | Sires | Walz (MN) |
| Ryan (OH) | Slaughter | Wasserman |
| Sánchez, Linda | Smith (WA) | Schultz |
| T. | Speier | Watt |
| Sanchez, Loretta | Sutton | Waxman |
| Sarbanes | Thompson (CA) | Weiner |
| Schakowsky | Thompson (MS) | Welch |
| Schiff | Tierney | Wilson (FL) |
| Schwartz | Tonko | Woolsey |
| Scott (VA) | Towns | Wu |
| Scott, David | Tsongas | Yarmuth |

NOT VOTING—20

| | | |
|---------------|-------------|------------|
| Becerra | Green, Gene | Pelosi |
| Brady (TX) | Hinchey | Polis |
| Clay | Holt | Stark |
| Cleaver | Meeks | Waters |
| Frelinghuysen | Moore | Young (AK) |
| Giffords | Paul | Young (FL) |
| Gingrey (GA) | Payne | |

□ 1339

Mr. WATT changed his vote from “yea” to “nay.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 250, I was inadvertently detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 250, had I been present, I would have voted “nay.”

Mr. HOLT. Mr. Speaker, I was detained and missed rollcall vote 250. Had I been present I would have voted “nay.”

The SPEAKER pro tempore. Pursuant to House Resolution 200, the joint resolution shall be considered as read.

The text of the joint resolution is as follows:

H.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (Report and Order FCC 10-201, adopted by the Commission on December 21, 2010), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. WALDEN) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

□ 1340

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the joint resolution.

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

There was no objection.

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

Mr. Speaker, in a representative democracy, Federal agencies may impose regulations only to the extent authorized by the United States Congress, the

elected representatives of the American people. I introduced H.J. Res. 37, which enjoys bipartisan support, because Congress has not authorized the Federal Communications Commission to regulate the Internet.

H.J. Res. 37 is a resolution of disapproval filed pursuant to the Congressional Review Act. It would prevent the agency from imposing the same or substantially similar rules through reclassification of broadband under title II of the Communications Act or through any other claimed source of direct or ancillary authority. If not challenged, the FCC's power grab would allow it to regulate any interstate communication service on barely more than a whim and without any additional input from Congress.

The FCC's claim that it can regulate the Internet under section 706 of the 1996 Telecommunications Act is not credible. The FCC has previously held that section 706 is not an independent grant of authority and the language of the section tells the FCC to remove barriers to investment, not create them. The FCC's reliance on section 706 could open the Internet to regulation by all 50 States.

Also flawed is the FCC's claim it can regulate the Internet under titles II, III and VI of the Communications Act because broadband has indirect impact on traditional services. Section 230 of the Communications Act makes clear that it is the policy of the United States to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services unfettered by Federal or State regulation. This regulation by "bank shot" is nothing more than a weak attempt to do an end-run around the D.C. Circuit Court's April 2010 ruling in the Comcast case that the FCC failed to show it had authority to regulate Internet network management.

The Internet is open and innovative thanks to the government's hands-off approach, as Democrat FCC Chairman William Kennard has explained, and I quote: "The fertile fields of innovation across the communications sector and around the country are blooming because from the get-go we have taken a deregulatory, competitive approach to our communications structure, especially the Internet." There is no crisis warranting government intervention. The FCC even admits in its own order that it did not conduct a market power analysis.

Dr. David J. Farber, the grandfather of the Internet, says the FCC's "order will sweep broadband ISPs, and potentially the entire Internet, into the big tent of regulation. What does this mean? Consumer needs take second place, and a previously innovative and vibrant industry becomes a creature of government rulemaking." From the grandfather of the Internet.

The order picks winners and losers and will threaten small providers that do not have the resources to send teams of lawyers to camp out at the

FCC. How carriers manage their networks should be determined by engineers and entrepreneurs and consumers in the marketplace, not by as few as three unelected commissioners at the FCC.

My colleagues claim large broadband providers support the order—you will hear that today—but they only did so under the threat of being regulated like an old-fashioned telephone company under title II of the Communications Act. They are still concerned, and they say network neutrality is a solution in search of a problem.

AT&T's CEO has said, "Regulation creates uncertainty." "I would be lying if I said I was totally pleased with it," and, "I'd like to have had no regulation, to be candid, but that wasn't going to happen."

The CEO of a large cable association has said that "there could certainly be an adverse economic impact by chilling the willingness to deploy these new services." The CEO of a large wireless association has said that some uncertainty over FCC implementation remains and "increased regulation tends to depress rather than accelerate investment."

Now opponents of H.J. Res. 37 will also criticize the Congressional Review Act process, but Senate Majority Leader HARRY REID, one of the authors of the CRA, has said the disapproval process is—and I quote the Majority Leader of the Senate—"a reasonable, sensible approach to regulatory reform."

You see, the CRA was dually enacted by Congress and signed into law by President Clinton. And despite their recent criticism, even my colleagues themselves have co-sponsored disapproval resolutions in the past, including Mr. WAXMAN, Ms. ESHOO, Mr. MARKEY, Ms. SCHAKOWSKY, and Mr. DINGELL. They cosponsored H.J. Res. 72 in 2003. And Mr. WAXMAN, Ms. ESHOO, Mr. DOYLE, Ms. SCHAKOWSKY, and Ms. BALDWIN co-sponsored H.J. Res. 79 in 2008. Both, by the way, were resolutions disapproving of FCC rules.

So my colleagues complain that amendments are not in order, but that is because the language of the Congressional Review Act itself dictates the specific language of the disapproval resolutions, and to allow amendments would frustrate Congress' very intent in providing a straight up-or-down vote on whether to disapprove just these types of overreaching agency rules.

My colleagues say that instead of considering this resolution we should be debating comprehensive legislation to authorize the FCC to regulate the Internet. Then why did they refuse our repeated requests last Congress to hold hearings on whether such intervention is warranted? Why did they wait until November before proposing their own legislation—so close to the end of the last Congress there was no time for reasoned debate? And why did they single out only certain segments of industry for regulation and refuse to require a market power analysis? It is all too

convenient that they wait until after the rules have been adopted and are vulnerable to legislative and judicial reversal before engaging.

A vote against this resolution is simply a vote that will allow the FCC to adopt substantially similar rules under title II when the FCC loses in court, something even network neutrality advocates like Free Press say is likely. Indeed, the FCC still has a proceeding open to do just that.

So for all of these reasons, I urge my colleagues to support H.J. Res. 37.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 4 minutes.

Today, we are considering H.J. Res. 37, a resolution to invalidate the FCC's open Internet rules. We are debating this bill under the shadow of a shutdown of the Federal Government. The Republicans are holding the economic recovery and millions of jobs hostage to their extreme demands on the budget and their ideological demands on social and regulatory issues. And at such a moment of grave threat to our economic health, what are we doing on the floor today? The Republican leadership insists on bringing to the floor a bill that will end the Internet as we know it and threaten the jobs, investment, and prosperity the Internet has brought to America. This is an outrageous sense of priorities and policies.

This legislation is a bad bill. This bill would give big phone and cable companies control over what Web sites Americans can visit, what applications they can run, and what devices they can use.

□ 1350

The Internet may be the greatest engine in our economy today. American Internet companies lead the world in innovation. They have created over a million jobs.

There is one overriding reason the Internet has fostered such innovation and economic growth: It is open. A kid with a brilliant idea can launch his or her own company out of their family garage.

The FCC order protects the openness and vitality of the Internet. The resolution we are debating today would end it. The Republican proponents of the resolution will say the exact opposite. They will say they are trying to protect freedom of the Internet by stopping government regulation.

How are the American people to know who is right? Well, the answer is easy. Just ask Google, Facebook, Amazon, Netflix, eBay, and the other companies in the Open Internet Coalition that depend on the openness and vitality of the Internet.

They ask the FCC to act because "baseline rules are critical to ensuring the Internet remains a key engine of economic growth." And they oppose this resolution because it would hurt consumers and innovation.

They understand that in most parts of the country companies like Verizon,

AT&T, and Comcast have a virtual monopoly over access to the Internet. The phone and cable companies are the gatekeepers to the information highway. Without regulations, they could choke off innovation by charging for the right to communicate with their customers.

Consumer advocates, civil rights organizations, religious groups, and labor unions have exactly the same view. The committee has heard from 150 organizations urging Congress to keep the Internet open and defeat this bill. Even the companies that might benefit the most from this legislation do not support the resolution. In fact, AT&T and the cable industry support the FCC's orders because it provides greater certainty for investment.

This bill is partisan. It is anti-innovation. And it threatens to transform the open Internet into a series of walled gardens controlled by the phone and cable companies. This is a bill that is not going anywhere. We shouldn't be wasting our time on this legislation when there's a threat that our whole government is going to be closed down because of the partisan and extreme views of the Republican majority.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. ESHOO), and I ask unanimous consent that she be allowed to control that time.

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

There was no objection.

Mr. WALDEN. Mr. Speaker, I just want to make one point. This is not partisan legislation. We have two Democrats as co-sponsors of the legislation, and I anticipate it will actually have a bipartisan vote, as it has had in the past.

I now yield such time as he may consume to the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I want to thank the chair of the Subcommittee on Telecommunications for yielding this time and for his leadership on the legislation.

Once again, we're here to put the brakes on runaway bureaucracy. The FCC has overstepped its authority and is attempting to seize control of one of the Nation's greatest technological success stories. If there is one segment of our economy that continues to fire on all cylinders in the current economic environment, it is the information technology sector and the Internet.

The FCC's "2010 National Broadband Plan" reports that 95 percent of the country has access to broadband and two-thirds subscribe. The number of users has skyrocketed to 200 million from 8 million 10 years ago. That translates into real investment and real jobs.

In 2009, the communication sector invested close to \$90 billion. In the U.S., it directly employed approximately 1.5

million people. All the success stories that we are hearing, from Apple to Zipcar, not only have occurred in the absence of government intervention but because of the absence of government intervention.

From technological advancements to creative business models, the Internet has remained a thriving, competitive, and innovative marketplace because the government has kept its hand off. Despite this economic and innovation success story, the FCC has decided to fundamentally change the technology landscape by adopting rules regulating the Internet. Like the late Democratic FCC commissioner, a good guy from Michigan, Jim Quello, said: "If it ain't broke, don't break it." Well, Mr. Speaker, the Internet is not broken, and this bill will ensure that the FCC does not break it.

George Will said: "Most Americans think that the government doesn't work real well and the Internet does." Why in the world are we then putting the government in charge of the Internet?

Some of my colleagues criticize the use of the CRA. Let me remind these critics that they themselves have co-sponsored disapproval resolutions to overturn previous FCC rulemaking. Mr. WAXMAN, Ms. ESHOO, Mr. MARKEY, Ms. SCHAKOWSKY, and Mr. DINGELL cosponsored H.J. Res. 72 in 2003. Mr. WAXMAN, Ms. ESHOO, Mr. DOYLE, Ms. SCHAKOWSKY, and Ms. BALDWIN cosponsored H.J. Res. 79 in 2008. Senate Majority Leader HARRY REID helped create the disapproval process in the CRA to give Congress a straight up-or-down vote on just this kind of regulatory overreach.

That's why this statute itself provides the language of disapproval resolutions and which is why there are no amendments.

President Obama has said that his priority is to focus on jobs. He's also said that his administration will avoid onerous and unnecessary regulations that stifle investment and innovation. On January 18, the President issued an executive order calling on agencies to base regulations on a reasoned determination that their benefits justify their costs.

While the executive order does not apply to independent agencies, the President urged such agencies to follow it, and FCC Chairman Genachowski said that he agrees with the executive order's principles. Yet the FCC admitted in its network neutrality order that it conducted that no market power analysis.

The Internet is not broken. The market has not failed. Imposing these rules will cause more harm than good by chilling the very investment and innovation that we need to ensure that the Internet keeps pace with the growing demands being placed on it. It will only hurt our economy.

Ultimately, it's a question of authority. The FCC lacks both legal and policy justifications for its action. The

agency keeps changing its story about where it gets the power to issue the rules, each time teetering from one weak explanation to another based on the most recent legal or political impediment that its facing. None are consistent with its own precedent and all are an end-run around the D.C. circuit's decision in the Comcast case that the FCC has failed to show its authority in this space.

So, Mr. Speaker, if we allow the FCC to seize control of the Internet, it's going to reduce innovation and investment. Fewer jobs.

I urge my colleagues to vote in support of this resolution.

Ms. ESHOO. I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this resolution 37 which, if enacted, would overturn the FCC's open Internet rules, not closed Internet rules.

The first thing that I want to say today is that at 2 p.m. today, which is the time right now, we are moving ever closer to the shutdown of our government. I think that this is a very sad day, a day when the rest of the world that always looks to the United States of America to be the best example for what we do, how we do it, what we say, and how we comport ourselves, that there is failure within a few hours, a total collapse of leadership.

So while this is taking place, that is the toxic cloud that really hangs over the House.

I'm going to use 4 minutes, Mr. Speaker.

This resolution isn't about acting in the interest of American innovation, American jobs, American competition or American consumers. Quite simply, this is an ideological assault on a government agency and their ability to provide basic consumer protections.

□ 1400

If this were about innovation, jobs, competition for consumers, the majority wouldn't really be offering it, because it disables a free and open Internet, which has brought about greater consumer choice and has ushered in some of the most successful businesses of the past two decades in America, from Google and Facebook to Amazon and eBay. I know because so many of them—and I'm so proud of this—are constituent companies of my distinguished congressional district. These companies and thousands of others like them offer access to news, shopping, video, music, and social networking, and have resulted in more than 3 million new American jobs over the past 15 years. If the majority understood this, they wouldn't be standing in the way of it.

In fact, consumers have lined up against what the majority has brought to the floor today. Some of the largest broadband providers in the Nation—AT&T, Comcast and others—have lined up against it. Small businesses have lined up against it. Medium-sized businesses that are in the Internet business

have lined up against it. More than 150 organizations, including public interest organizations, civil rights groups, unions, and education advocates have lined up against it. The United States Conference of Catholic Bishops has lined up against it. The United Church of Christ and Evangelical Lutheran Church in America have lined up against it. The Computer and Communications Industry Association has lined up against it. TechNet is against it. These groups overwhelmingly agree that the CRA is not the answer.

The chairman said earlier that there are many Members on this side who have enacted—used—the CRA on other pieces of legislation. Yes, we have. We thought it was appropriate to. We're not opposed to the CRA, but we are in terms of using it on this.

I really think, at the end of the day, this is ideological. I think, in the Republican DNA, there is total opposition to any Federal agency that is charged with carrying out the protection of consumers and those things that the Congress believes are the best for the American people. So, with all of these businesses and all of these organizations, I think, with all due respect, that you have a very, very weak case.

I reserve the balance of my time.

Mr. WALDEN. I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

Madam Speaker, when I came to Congress in 1985, there was no such thing as a cell phone. I remember my first mobile phone was a box phone. It cost about two bucks a minute to use, as I recall. We did have personal computers, but they were big and bulky and very slow. I still had a typewriter in my office, and I had constituents who still used telephones that actually had the dial, you know, the mechanical dial. That was in 1985. Today, we have over 2 billion users of the Internet. I have two BlackBerries. I have a laptop. I have a personal computer in my home. In fact, in my home in Arlington, Texas, we have two. The Internet has revolutionized telecommunications.

Yet, in December of 2010, the FCC adopted a rule giving themselves the right to regulate the Internet. It gave them the right to regulate how fixed and mobile broadband providers disclose their network management practices and performance characteristics; to regulate how fixed and mobile broadband carriers provide access to content, applications, services, and devices; to determine whether the way fixed broadband providers are carrying network traffic is unreasonably discriminatory; to regulate how fixed and mobile broadband carriers charge for the carriage of traffic; and to determine whether fixed and mobile broadband providers' network management techniques are reasonable.

This is the regulation of the Internet.

Mr. WALDEN's bill is pretty straightforward. It's one paragraph. You can read it. It doesn't take much time. It just simply says that the Federal Communications Commission cannot regulate the Internet.

We have had the most successful business practice in the last 100 years, and we are trying to give the FCC the ability to regulate it? Give me a break. This isn't Republican DNA. This is plain common sense. Vote for the Walden bill, to not give the FCC the authority to regulate the Internet.

Ms. ESHOO. I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

In 2 days, the Republicans have proven that they always side with the biggest behemoth companies. Yesterday, they said it was okay for the biggest oil and coal and chemical companies to pollute the atmosphere. Today, they are saying that it's okay for the biggest communications companies to totally control the entire blogosphere. They want to spoil Mother Earth and Google Earth all in a 24-hour period. They want to allow the domination of the World Wide Web and the pollution of the whole wide world all in 24 hours.

Let me give you a little history here, ladies and gentlemen. We had no competition in the Internet, in the wireless world.

In 1993, there were two companies— analog, 50 cents a minute. No one had cell phones in their companies. "We" had to move over the 200 megahertz. "We" had to say there was a third, fourth, fifth, and sixth company so that there would be competition and then block the first two companies that were not innovating. Why were they not innovating? Because there was no Darwinian paranoia inducing competition to force them to move. Then in 1996, when the whole country was analog, we had to pass another bill to move them to digital, to move them to broadband, because the behemoths had yet to deploy broadband to one home in the United States.

No competition. No innovation. No benefits to consumers. The biggest companies that the Republicans support were happy with the way things were going because they could charge whatever they wanted to, provide whatever services they wanted to, ignore competition, and ignore consumers simultaneously.

That's what this debate is all about. We had to ensure that those behemoths—the oligopolies, the monopolies—were taken from the clutches of the Republicans and put out into the world where they had to compete.

So what do we have here today? Another Republican congressional resolution, which says let's go back to that era where the biggest companies, the monopolies, defy the one lesson that ADAM SMITH taught us, which is that monopolies and oligopolies are incapa-

ble of enjoying anything but the respect of those who are already in the wealthy class while ignoring those who are in the consumer class. That's their history. That's the number one lesson of ADAM SMITH, that we must beware of oligopolies.

Here, what we have on our hands is an effort to shut down the one job-creating engine that has driven our economy over the last 15 years, since we opened up the competition, and they want to shut it down. Ladies and gentlemen, 50 percent of the growth of our economy in the 1990s was in this sector. It's because we had competition. They want to shut it down here today.

Vote "no" on the Republican resolution, which ends this era of the open Internet and which allows every innovator in their garages and at home to dream big—that they could create new jobs in our economy.

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

Obviously, my friend, the gentleman from Massachusetts, walked in a little late because we just heard that all those big companies he railed against are opposed to this resolution we have before us. So if anybody is doing the bidding of those companies, it must be the Democrats, who have rattled off as part of their argument all those very companies that he just railed against who are opposed to us.

I now yield 2 minutes to the vice chairman of the Communications Subcommittee, the gentleman from Nebraska (Mr. TERRY).

□ 1410

Mr. TERRY. There are really three major points to bring up here. One is Congress did not give the FCC authorization to regulate the Internet. There is no authorization. Mr. MARKEY had a bill. It didn't get enough support even in a Democratic-controlled Congress to pass. There was not support for a net neutrality bill in the Senate. So the President, who made campaign promises to some of his biggest supporters from California, had to do it through the FCC. These back-end ways of legislating have to stop. That's what we're doing here today.

The second point is the robust nature of the Internet. I love the argument that as it's been deregulated somehow it's been stifled from innovation. Like we haven't seen the Facebooks and the Googles, which are in favor of net neutrality, come to being. My goodness, it was the robust Internet that allowed these great experiments like Netflix to come up. Now they're so big that they want help through government agencies for advantages in the marketplace.

We hear a lot about blocking, that it's about blocking content. There has been about a half a dozen instances, Madam Speaker, where Internet providers did block, in some way altered the people's, their customers' ability to go to a Web site. All instances were resolved by their customers' pressure and

some encouragement by the FCC. So the fact that these instances were resolved, and everyone knows there should be no blocking, why are we here except for the real reason: to give the FCC power over business plans.

Mr. MARKEY just mentioned it. The gentlelady from California mentioned it. It's about tiering. If you walk into McDonald's, you pay more for a large Coke than a small Coke. But yet under the FCC's plan, they want one size fits all, one price, which is the Netflix and Google's request.

Ms. ESHOO. I yield 4 minutes to a highly valued member of the subcommittee, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Madam Speaker, I rise in the strongest possible opposition to this resolution. If enacted, it will strip the Federal Communications Commission of its authority to police the most egregious conduct of broadband providers, and it would permit those providers to block consumers' access to lawful Web sites of their choice.

The FCC's open Internet rule makes two simple promises: To consumers, that we can visit any legal Web site and use any online service on any device we want; to innovators, that they don't have to ask permission from the government or get shaken down by Internet access providers when they come up with a new Web site, device, or service. That's it. That isn't regulating the Internet. No one's proposing to regulate Internet content. But Internet access providers have always lived with basic rules of the road. No blocking was chief among them.

Those basic rules of the road are what turned the Internet into the economic engine that it is today. But in our hearings on this bill, we learned that some broadband providers want the right to block what you can see. I'll tell you what I don't want. I don't want to live in a country where it's legal to block Web sites like it is in Iran, China, Saudi Arabia, Sudan, and in other oppressive regimes.

Why can't we have a regulation that protects your constituents' Internet freedom? What's the harm in ensuring that no one can block your constituents' ability to access the Web sites they want to visit?

I offered an amendment to this bill that simply tried to ensure that if this resolution of disapproval that we are considering today is enacted into law, broadband providers would not be able to block or interfere with consumers' access to lawful Web sites. But the way this resolution is written, we are not allowed to offer perfecting amendments.

You know, we used to be able to debate net neutrality in a levelheaded way. The no blocking principle was broadly accepted since it was included in the FCC's 2005 Internet Policy Statement, then controlled by Republicans. That principle has garnered support from both Democratic and Republican FCC Commissioners. Chairman Michael

Powell stated at the time that consumers have come to be able to expect to go where they want on high-speed connections. And this was also part of the Communications Opportunity Promotion and Enhancement Act of 2006 authored by Chairman BARTON at that time. Most of my Republican colleagues who were there voted in favor of the bill.

To close, this resolution gives the green light to broadband providers to block anything, even legal content on the Internet, just like they do in Iran. I think consumers should have the choice to go where they want to go and to do what they want to do on the Internet. That's why my colleagues should oppose this legislation.

Mr. WALDEN. Madam Speaker, the last time I checked, it's like the Government of Iran controls their Internet. That's what we are trying to avoid here is government control of the Internet.

I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Madam Speaker, it's a shame the gentleman from Massachusetts is not here. I appreciate always when he speaks his exclamatory speeches, high emotionality. His idiosyncrasies that he brings to the House floor are obviously humorous. But I think he and the gentleman from Pennsylvania miss a very blatant fact: The FCC has never had the authority to regulate the Internet. In fact, the Comcast decision, the D.C. Circuit Court in 2010 indicated clearly the Court found that the FCC failed to demonstrate it had authority under Title I.

Not even Title II, but under Title I, Mr. MARKEY, they had no authority.

So if the D.C. court ruled that way, you would think that you would respect that. So they had no jurisdiction to regulate the Internet in any form. And as a result of what the FCC did in December, a major telephone communication company intended to sue. They stopped their suit because of a technicality, but they are going to move forward with it because they also believe the FCC doesn't have jurisdiction to regulate the Internet.

So I am a little puzzled why you folks have come down here. I think all of you on the Democrats' side should realize there are over 60 Democrats on your side that signed a letter to the FCC in the last Congress saying they didn't want the FCC to regulate the Internet. So why don't you talk to me about your own colleagues, 60 of them, that agree with Mr. WALDEN and our republican Telecommunications Subcommittee on this issue.

So I really think it's a little puzzling why we are down here talking about it, and you are getting to the point where you are saying the FCC is having their authority taken away. They never had it. And the majority, a lot of your

Members also agree with us that, frankly, the FCC should not regulate the Internet.

And this argument has been going on for over 3 years. It's nothing surprising. Mr. MARKEY acts like we are bringing this legislation to the floor all of a sudden. We have been working on this when Mr. BARTON was ranking member of the Energy and Commerce Committee and I was the ranking Republican on the subcommittee on Telecommunications. I sent letters, BARTON sent letters, and almost everybody on the Republican Telecommunications subcommittee also did it. So this is nothing new. And I think, Mr. WAXMAN and Mr. MARKEY, as you continue to try to exploit the idea that we are bringing fresh new legislation down here to control the FCC, you are wrong.

I rise in strong support of H.J. Res. 37. This measure will overturn the FCC's dangerous Internet regulations. These rules will, for the first time, give government a substantive role in how the Internet will be operated and managed, how broadband services will be priced and structured, and potentially how broadband networks will be financed.

Over the past 18 months, as the former Ranking Member of this Communications Subcommittee, I joined with former full committee Ranking Member JOE BARTON in sending 3 letters to FCC Chairman Genachowski expressing strong opposition to his plan to regulate the Internet. I have introduced legislation in the past two Congresses to try to prevent the implementation of net neutrality rules, as have other members. So as we can see, there is a long record fighting Internet regulation.

It is not appropriate for the unelected FCC to make a decision with such potential long-term consequences without explicit direction from Congress. The FCC's actions will lead to uncertainty and will drive investment out of the broadband sector.

Aside from the harm these rules will cause, whether or not the FCC even has the authority to enforce these rules is not clear. The FCC claims it has authority to enact the rules under Section 706 of the 1996 Telecommunications Act relating to the promotion of advanced telecommunications capability. However, the FCC cannot rely on Section 706 because, as the agency has previously acknowledged, Section 706 is not an independent source of authority, because Section 706 talks of removing barriers to infrastructure investment but the rules will erect barriers to investment. The FCC's claims stretch the authority under those provisions too far.

Just look at the DC Circuit's April 2010 decision in the Comcast case. The court found that the FCC failed to demonstrate it had ancillary authority under Title I to regulate Internet network management. As a result of these rules, more lawsuits will be filed, which will only lead to more uncertainty.

One of the few bright spots in our economy is in the technology sector. Yet, for some reason, the FCC has decided to overstep its bounds and institute unnecessary regulations. Only in Washington, can a regulatory agency issue rules to solve a problem that does not exist. It simply does not make sense.

The FCC talks about this in terms of open Internet and net neutrality. In actuality, it is net

regulation that will freeze investment, chill innovation, and harm job creation.

The Internet that exists today is open and thriving, because of the deregulatory approach we have taken over the past two decades. Consumers can access anything they want with the click of a mouse thanks to our historical hands-off approach to the Internet. We must maintain that course if the Internet is to continue to flourish, especially in the face of demands for more sophisticated content, services, and applications.

There is no crisis warranting the FCC's recent departure from that policy. The FCC hangs its adoption of network neutrality rules regulating the Internet on speculation of future harm.

I urge passage this legislation to stop the FCC from regulating the Internet.

Mr. WALDEN. Madam Speaker, could I just get a time check for each side?

The SPEAKER pro tempore (Mrs. ELLMERS). The gentleman from Oregon has 12 minutes remaining. The gentlewoman from California has 16 minutes remaining.

Ms. ESHOO. I would just like to add to the debate that the number of Democrats that signed the letter that Mr. STEARNS just referenced, that was in opposition to operating under Title II. The FCC listened, and they went and placed this set of rules under Title I.

I yield 2 minutes to the gentlewoman from California (Ms. MATSUI), another very distinguished member of the subcommittee.

Ms. MATSUI. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in opposition to this resolution.

Mr. Speaker, ahead of a looming potential government shutdown, it is ironic that we are considering this resolution today that would move towards shutting down a free and open Internet. On the CR, my Republican colleagues are overreaching and have unfortunately demonstrated an unwillingness to negotiate in good faith with congressional Democrats and the President. The resolution before us is an example of the flawed process.

Under the terms of the Congressional Review Act, resolutions of disapproval are not open to amendment even for the most basic consumer protections. During the Energy and Commerce Committee debate, I offered an amendment that would preserve the transparency rule adopted by the FCC as part of the open Internet order, requiring broadband providers to make available their network management practices so that consumers and innovators can make informed choices.

□ 1420

I offered the same amendment to the Rules Committee in hopes that the majority would make it in order and debate its merits.

The transparency rule is the most basic of consumer protections, and it is also the least controversial aspect of the rule supported by broadband providers, high-tech companies and con-

sumers groups, including all six witnesses during a committee hearing on this. Yet this resolution will remove this widely accepted practice to protect consumers and innovators as well.

Mr. Speaker, it is unclear how the FCC will be able to address consumer protection issues with respect to broadband providers if this resolution is enacted. We need to consider these unintended consequences. This resolution is a blunt instrument that risks the future of competition, innovation, and an open Internet.

Mr. Speaker, the FCC's open Internet order brings certainty and clarity to a debate that has consumed this industry for years. It allows Internet service and content providers to focus on what they do best, innovate and create jobs.

The SPEAKER pro tempore (Mr. CONAWAY). The time of the gentlewoman has expired.

Ms. MATSUI. I strongly urge my colleagues to oppose this legislation.

Mr. WALDEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I think there is some confusion about House Joint Resolution 37 and what it does.

My colleagues seem to think this would impact the FCC's statutory authority, and I want to call their attention to the actual wording of the resolution. It's eight little bitty lines. If you start on line 3 and you begin to read, it says the Congress disapproves the rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices.

Now, what this does is to say we disapprove it. If you want to get to the statutory authority, I want to invite you to join us in that discussion. You are going to have that opportunity. It is called House Resolution 96, and it is coming to a committee near you very, very soon, and we look forward to forever prohibiting the overreach of the Federal Communications Commission.

Let's also be clear on another point that has been misstated. There have never been telephone rules that regulated the Internet. It didn't happen. They were not there. So we need to be certain that those who are listening to us, Mr. Speaker, realize that never had the Federal Communications Commission, never had the Federal Government regulated the Internet until December 21, when the Federal Communications Commission met after we had adjourned the 111th Congress and decided to go where they had no statutory authority to go. They enacted, they brought the heavy arm of government in and put it on the Internet after these Internet service providers spend about \$60 billion a year on spectrum, on maintaining this network.

I would also remind my colleagues that when the ACLU decided they were going to go in here and show there was a need, they couldn't even find enough examples.

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

Mrs. BLACKBURN. There has never been an example of a market failure.

Ms. ESHOO. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my esteemed colleague for yielding time.

Mr. Speaker, I rise in strong opposition to this resolution to overturn the FCC's open Internet rules.

The public wants us to focus on job creation. And yet here we are debating this resolution that would do the exact opposite. It doesn't create jobs, not one. Instead, it injects uncertainty into our recovering economy. It stifles innovation in our fastest-growing industries.

The FCC open Internet rules ensure Americans can fully utilize all of the benefits the Internet provides, creating good-paying, head of household jobs along the way. But the resolution before us today jeopardizes all of that. Like a government shutdown, this resolution will hurt the economy, and I can't support that.

Now the public has made it clear: They expect us to cut spending in our CR, and we will. A deal is very close at hand, but Republicans are holding it up at the eleventh hour. Why? Well, apparently, it's not about the money. Instead, the holdups are the extraneous non-budgetary issues Republicans are trying to force into this funding bill, like cutting funding for women's health and letting polluters dirty our air.

Mr. Speaker, even Republican Senator TOM COBURN, who is nobody's idea of a pushover, has urged his party to drop the policy riders in order to avoid a shutdown. They should listen, Mr. Speaker.

Democrats have gone 70 percent of the way to Republicans' demands. That's a long way to go in terms of trying to reach a compromise, but Republicans are demanding that they either get 100 percent of what they want or they will shut down the government.

Democrats do not want to shut down the government. We know it would put our economy at risk right when we have been making progress over the last few months.

Mr. Speaker, the innocent victims that are shut down are the American people, and I share their outrage.

PARLIAMENTARY INQUIRY

Mr. WALDEN. Parliamentary inquiry, Mr. Speaker.

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

Mr. WALDEN. Is the gentlewoman addressing the bill before us? Is this germane to the bill before us? I question the relevance to the issue before us.

The SPEAKER pro tempore. The Speaker would remind Members to confine their remarks to the joint resolution.

The gentlewoman may continue.

Mrs. CAPPS. Mr. Speaker, the resolution before us today is just more of

the same. It will hobble our efforts to create countless jobs and boost our economy. This resolution shutting down the FCC's effort is not the way forward, and neither is shutting down the government.

I urge the Republican leadership to stop playing these dangerous games.

Mr. WALDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Oregon for yielding.

Mr. Speaker, I rise in strong support of H.J. Res. 37, which prevents the Federal Government from coming in and regulating the Internet. If you look at what's happening in Washington right now, I think there is no clearer sign how broken this town is.

President Obama couldn't even pass a budget last year, and his party controlled the House, the Senate, and the White House, which is why we stand here today facing a potential government shutdown. But yet the President is going to come along and say now he wants the government to run the Internet, to have regulations on the Internet.

You know, my colleagues on the other side talk about all these innovations. And I love all the innovations that have happened over the last few decades. The irony of that is all these great innovations have all happened without this government regulation that the FCC is now proposing. They act as if we're trying to take away the things that have allowed the innovation.

In fact, it's the innovations that have happened because the government hadn't figured out how to come in and regulate it in a way where they would be picking winners and losers. And yet the FCC is proposing a plan that picks winners and losers. And they rattled off a big list of some big companies who have done well for themselves and now want to be those winners that the government would protect.

What you don't hear about is what about those small startup companies, that small company that is working out of a garage right now in California that's going to be the next big idea. But if the government picks winners and losers, we all know who usually are the losers: It's those small startup companies that might never be that great idea of innovation.

We have got to be able to protect the next Harvard student who is right now studying at Harvard but may be getting ready to drop out and be the next billionaire who created another great idea. And all those great ideas, again, happen without this government regulation the FCC is proposing, which is why we need to block them from doing it.

Then you can just go look at the innovations. In 2000 less than 5 percent of homes had broadband Internet access. Today more than 70 percent do, and it's growing because of over \$500 billion of private investment, because of this in-

novation in the job creation that's going with it.

Let's protect those jobs. Let's protect the Internet's ability to continue regulating without the heavyhanded government picking winners and losers.

Ms. ESHOO. Mr. Speaker, I yield 3 minutes to the gentleman from the State of Washington (Mr. INSLEE).

□ 1430

The SPEAKER pro tempore. The Chair is investigating the source of the microphone malfunction.

Mr. INSLEE. Mr. Speaker, it is deeply disappointing that instead of being here seeking a bipartisan consensus to avoid a government shutdown, we again are brought to this floor in an effort to engage in this ideological effort to, in fact, shut down government.

Yesterday, my Republican friends wanted to shut down the ability of Uncle Sam to protect the freedom of Americans to breathe clean air. Today, they are attempting to shut down the ability of Uncle Sam to protect the freedom of Americans to get access to the Internet. Tomorrow, they are attempting to shut down the government so they won't be allowed to protect the freedom of women to get health.

We should not be shutting down Americans' access to an open Internet. We should be opening up Americans' access and Uncle Sam's ability to guarantee Americans access to the Internet.

Now here's what is at stake. Our access to freeways—and freeways are great, just like the Internet is great, but it is not so great if powerful economic forces can shut down the on-ramps to the freeway. And it's not so great if they can shut down or create a two-tiered system so that if you go to your Internet service provider's favorite warehouse store you get a deal to get access to the freeway; but if you want to go to their competitors, you have got to pay extra and you get slower service to get there. This is what is at stake.

And what the Republicans want to do with this resolution is shut down government's ability to prevent these powerful economic forces from making a second tier, a substitute, a secondary access if you don't go to their favorite situation.

Now, Mr. Speaker, America has been great because it invented free speech and it has been great because it has invented an open Internet. But both of those freedoms are in jeopardy today because powerful economic interests that are becoming larger and larger in consolidating these Internet entities have the ability now to start choking off consumers' access to the Internet. And for those who want to say, oh, it's not a problem, we cannot wait until this horse is out of the barn, it will be too late.

And, by the way, this is not just a consumers' issue; it is a business development issue. It is small businesses

who today want to create these small businesses that want to have people get access to their businesses. And they don't have the powerful clout to sign these big, mega-million dollar deals with Internet service providers to give them a leg up.

Mr. Speaker, reject this issue to shut down government's ability to provide freedom of the Internet. Preserve open Internet and reject this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask that Members suspend use of that microphone until we determine the problem.

Mr. WALDEN. Mr. Speaker, I think this points up two things. When you have government-run microphones on the Internet, you're going to have a problem. And, second, we are for open and free microphones; so they are welcome to use our podium as well.

I now yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, it is with some trepidation that I come before this government-regulated microphone, but I do come in strong support of this resolution. I would like to commend the chairman of the Subcommittee on Communications and Technology, Mr. WALDEN, for his leadership to prevent the Federal Communications Commission from implementing regulations on the Internet.

As a member of the subcommittee, I'm proud to be a cosponsor of H.J. Res. 37 because I believe that it is absolutely necessary that we invoke the Congressional Review Act to nullify the implementation of net neutrality because it will negatively impact our economy. It is time that we rein in the FCC under its current leadership and ensure the continued growth of the Internet without the handcuffs of net neutrality.

Mr. Speaker, the sole reason the Internet has been able to grow unfettered is due to the absence of unnecessary regulations, and I fear that the FCC's so-called open Internet order will stifle innovation and investment, and it will prevent continued job creation within the broadband industry.

Unfortunately, the FCC has chosen to act without quantifiable statistics about the need for such regulation. In fact, in the FCC's order, the commission admitted that it conducted no—and I repeat no—market analysis on the demonstration of any actual problem rather than mere speculation.

In our subcommittee hearing with all five FCC commissioners on February 16, Commissioner McDowell testified that this order is not necessary, it will cause more harm for the industry than it will prevent, and that the FCC does not have the authority to move forward on this order.

He is not alone in this analysis. Former FCC Chairman William Kennard, who was appointed by President Clinton, said back in 1999 that the "deregulatory, competitive approach"

has led to the innovation in the Internet that now benefits our country, as my colleagues have pointed out.

Mr. Speaker, this is precisely why we are here today. I am reminded of the famous line in William Shakespeare's "The Tempest." He wrote: "What's past is prologue." Our policy of deregulation of the Internet has yielded tremendous benefits and growth, and I strongly believe that the FCC's order will undermine that growth over the past 15 years.

Ms. ESHOO. Mr. Speaker, first I'd like to say that this charge about the FCC failing to conduct an adequate market power and cost-benefit analysis has been stated and restated ad nauseam. The FCC fully reviewed the competitiveness of broadband Internet access markets and analyzed the cost benefit of adopting open Internet rules.

Secondly, the Republican witness that came before the committee very comfortably spoke about blocking Netflix. So if anyone questions whether consumers are at stake here and what could happen, they should just look to that record.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

I just want to comment on my friend from Georgia's scholarly, even erudite, mention of the quote from Shakespeare and "The Tempest" because I too was thinking of "The Tempest" perhaps in a different line, not necessarily related to these proceedings; but you just sparked this memory of the line from "The Tempest" that says, "Hell is empty, and all the devils are here."

Now H.J. Res. 37 undercuts the authority and the mandate of the FCC during an era of increasing consolidation in the telecommunications industry. The FCC order gives the wired and wireless broadband industry too much leeway to exercise "reasonable" management of the Internet. The FCC order should explicitly forbid such practices as "paid prioritization," a technique where ISPs funnel users to one type of content over another simply because that site or service moves faster instead of a mere pledge to monitor broadband developments.

The FCC ought to be sending the strongest possible message to Internet service providers that the physical infrastructure and foundation of the Internet from which they reap immense profit was created by the American taxpayer.

Instead of telling the FCC that there should be no net neutrality rules, we should be sending the FCC back to the drawing board with a message that the FCC should be more vigilant in protecting net neutrality, not less. Keep the Internet open and keep government open; otherwise, we may have succeeded in communicating that the opposite of progress is Congress.

□ 1440

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, this is a big shocker. I am new here, me and about 86 new people on my side. I watched last year as I was running for office to represent the 11th District of Illinois. I watched as this House failed to produce a budget, which is why we are where we are today. But I also watched as this body, the Democrat-controlled body, attempted to implement net neutrality through the legislative process but failed to garner enough votes. They didn't, and that's fine. That's good. Everybody has a right to do that. This is the people's House.

But what happens if you are unable to do that through a legislative process? Well, why not call a regulatory agency in to do it by fiat. Ladies and gentlemen, the FCC and a whole host of other regulatory agencies have acted outside the will of the people. It is high time that the regulatory agencies do what their job is, which is to regulate, not to legislate.

We were sent here in November to stand up and say the will of the people will be respected in the House of Representatives and the will of the people will be respected by the Federal Government.

Ms. ESHOO. Mr. Speaker, I now would like to yield 2 minutes to the distinguished ranking member of the House Appropriations Committee, the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, it strikes me, and I have one major question, and that is: Why are we considering H.J. Res. 37 when we are on the verge of shutting down the House of Representatives?

I hope and I think a deal is very close at hand, but Republicans are holding it at the 11th hour over divisive social policy that should not be a part of this debate. Republicans should not hold the government hostage using controversial social policy as ransom. Republicans are especially focusing on divisive changes to women's health policy.

PARLIAMENTARY INQUIRY

Mr. WALDEN. Parliamentary inquiry, Mr. Speaker.

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

Mr. WALDEN. What is the relevance?

The SPEAKER pro tempore. The gentleman from Washington is reminded to confine his remarks to the subject matter of the joint resolution.

Mr. DICKS. Well, I think the relevance is: Why are we here working on this piece of legislation at this time when we are on the verge of a crisis of shutting down the government?

Mr. WALDEN. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. WALDEN. I would be happy to answer.

I am not part of that negotiating team. And I don't think you are, and I don't think Ms. ESHOO is or Mr. WAXMAN. And so those who are negotiating are negotiating, and we're taking care of this business.

Mr. DICKS. Reclaiming my time. I reclaim my time.

This is an important day. And what we are saying on our side is we want to enact a clean continuing resolution at some point today so we can take care of our troops and so we can move forward with the process and protect ourselves. And I hope we can do it in the context of an agreement between the President, between the leader of the other body and the Speaker of the House. If that is done, then this will be a good day. But taking up H.J. Res. 37 to kind of do as a filler, to me, it doesn't make any sense.

Mr. WALDEN. Mr. Speaker, I now yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. I thank the chairman for yielding and for his leadership on this issue.

To the gentleman from Washington, I would tell him yesterday this House voted to cut government spending and keep the government open. Today this House will vote to cut government regulations and keep the Internet open. That's what this is all about.

Let me add that, to the gentleman from Pennsylvania who said all the FCC is doing is making two simple promises, here they are: 200 pages, single spaced, small print, to make two simple promises to keep the Internet open.

Well, guess what. The Internet is open now and we have laws to protect keeping the Internet open now, and they are called antitrust laws. If they need to be modified, they should come forward with those proposals. But the Internet is open today.

And to my friends in the technology community, and they are my friends, some of whom think this is a great thing the FCC is doing, I would say to them, be careful what you ask for because these 200 pages are just the beginning. There will be thousands of pages more as they illegally try to blast their way into regulating the most valuable invention in the history of the world. That is what is going on here.

And to the gentlewoman from California who says there is a market power analysis, I refer to page 12 of the very FCC regulations, which says: "We are not performing a market power analysis in this proceeding."

This issue is very, very important. The Internet is based upon free enterprise. It is based upon individual initiative and creativity. It is not based upon government regulation, and government regulation will stifle it and ultimately snuff it out. If you want proof of that, go look at government-

regulated Internets in other countries around the world like China and Iran. That is not what this country is about. We are about protecting the greatest job creator we have ever made in this country.

Support this resolution. Oppose the naysayers.

I rise in support of House Joint Resolution 37. Many Internet content providers are concerned, as am I, about proposals to create different classes of content on the Internet or to discriminate against legitimate content or services online.

Unfortunately, I believe that the FCC has gone too far in its recent action and urge a yes vote on H.J. Res. 37, which would eliminate uncertainty created in the marketplace by the FCC's power-grab.

I believe in free market principles and the fact that Government involvement often stifles innovation. I also believe that our Nation's antitrust laws have served as important guidelines to ensure that markets remain competitive and that these antitrust laws must remain applicable to ensure that Internet access providers do not discriminate against or block access to certain Web sites, services, or content. In fact, the Judiciary Subcommittee on Intellectual Property, Competition, and the Internet, which I chair, recently held a hearing to discuss the impact of antitrust laws on net neutrality. I urge passage of this resolution.

Ms. ESHOO. Mr. Speaker, I would like to just in a calm voice respond to my good friend, Mr. GOODLATTE. And he is a good friend.

This is not necessary. If there were a case to be made, other than those that have come to the floor today, it would have been made in testimony by the people that are the very stakeholders in all of these businesses. And that's why I started out today by saying I don't believe the Republicans have a case, a leg to stand on, because all of the companies—small, medium, and large—even the largest broadband providers in the country, consumer advocates, religious organizations, it is the broadest and deepest coalition I have seen in recent history of the committee, they are all opposed to what you are doing.

So you are having a wonderful conversation with yourselves, but, most frankly, it is not doing anything for anyone else. This is about protecting consumers, and there have been cases, case after case at the FCC where abuses were committed in terms of blocking, and many other things. So this side is for protecting and understands what an open and free Internet is.

I yield 1 minute to the gentleman from California (Mr. WAXMAN), the ranking member of the full committee.

Mr. WAXMAN. I was astounded by the comment of our friend on the Republican side of the aisle who is not on our committee. He said that the antitrust laws will protect us. Well, if you have a cable company or a phone company to choose, you are going to choose one or the other. Let's say the cable company has its own list of special programs that they want people to

purchase. Well, they could easily stop Netflix. They could easily stop competitive programming. That is not an antitrust violation; that is a business opportunity. And what these rules propose to do is to not give anybody a business opportunity to deny the consumer the ability to access anything on the Web, which is the case today.

These rules that we see the FCC doing are being put into place to make sure that somebody does not take advantage of the power they have in the market. We do that all the time. We regulate the securities agencies with the SEC because we don't want them to run amuck. I wish the SEC had acted to stop the economy from going over the cliff practically.

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

Ms. ESHOO. I yield an additional 30 seconds to the gentleman.

Mr. WAXMAN. We need to defeat this Republican proposal because it is not based on anything but an ideological point of view that government can do nothing right and business can do nothing wrong; and they, therefore, favor the big businesses.

I say do not vote for this Republican proposal. It is not something that any constituency wants. It would confuse the situation. It would make life uncertain for all of the players, stakeholders and others, and it would deny consumers the freedom they now have.

□ 1450

Mr. WALDEN. Mr. Speaker, it is evident that there's confusion on their side of the aisle, because at one end they have a Speaker that says we're doing the bidding of the big oligarchies, these big companies, and on the other hand that all those companies oppose what we're doing. I'm trying to figure out just which side they're on. We're for an open Internet that is vibrant as it is today because it's not regulated by the government.

I would now yield 1 minute to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I think we should boil it down to what this debate is all about. The supporters of this resolution, including myself, believe that the Internet has been, frankly, rather efficient and innovative and creative—clearly more efficient and innovative and creative than the Federal Government bureaucracy.

The administration, however, believes that the Federal bureaucracy can do a much better job running the Internet. Therefore, they are proceeding to regulate the Internet.

Here is the bottom line, Mr. Speaker. If you believe that the Federal Government bureaucracy should regulate, i.e., should run the Internet because they can do better, then please vote against this. However, if you believe that the Internet does a pretty good job and that the Federal bureaucrats' hands should be again kept out of the Internet, then you would vote "yes" for the

resolution. It is, frankly, just that simple.

Ms. ESHOO. I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1½ minutes.

Mr. MARKEY. I thank the gentleman.

The microphone in the well on the Democratic side is shut down; so I will use the microphone on the Republican side.

And I will say to the Republicans that we already have rules that govern the Internet that have passed through this Congress. They deal with education; they deal with privacy; they deal with intellectual property; they deal with global Internet governance; they deal with network security; they deal with pornography; they deal with taxation of items on the Internet; they deal with protections to the deaf and blind on the Internet. We do have rules on the Internet, so don't pretend for a second that we don't.

Let me give you, though, another lesson from Adam Smith in the Wealth of Nations. Here is what he said:

"The Member of Parliament who supports every proposal for strengthening the monopoly is sure to acquire not only the reputation of understanding trade but great popularity and influence with an order of men whose numbers and wealth render them of great importance.

"If he opposes them, on the contrary, and still more if he has the authority to be able to thwart them, neither the most acknowledged probity nor the greatest rank nor the greatest public services can protect him from the most infamous abuse and detraction, from personal insults, nor sometimes from real danger arising from the insolent outrage of furious and disappointed monopolists."

Adam Smith warned us of monopolies, of oligopolies as the greatest threat to capitalism. That is what we are debating today, to ensure that the Internet is open, not just to the monopolists but to every entrepreneur, the tens of thousands of them out there who have been creating the wealth, creating the opportunities, creating the jobs, creating the open communication that has revolutionized our world.

In Iran it is legal to shut down the Internet. In China it is legal to shut down the Internet. Let us make sure in the United States it is not legal to shut down the Internet.

Mr. WALDEN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 1½ minutes.

Mr. WALDEN. First of all, I think it's very interesting that the last speaker pointed out that in Iran and in China they can shut down the Internet. That's because the government controls the Internet. That's what Republicans are trying to stop from happening here, in part because we think

it's wrong, in part because we know that the FCC does not have the legal authority to take this action. That's why we're doing that.

But beyond that, it's a bad economic decision, because we had a Harvard MBA testify before our committee, "Over time, the order represents a direct transfer of wealth from broadband access providers to those whose content rides over the network. That means that it provides those who ride the network with a strategically vital financial weapon to use against broadband providers who in many cases are their competitors."

You see, this is picking winners and losers. The Democrats do not want to extend the net neutrality rules to the search engines and others who ride on the network. They don't want to do that. They want to pick a winner and a loser. They're the ones who are siding with the big companies in this case. We're the ones on the Republican side who are siding with keeping the Internet open and free as it is today, that has allowed it to flourish and grow, that has allowed incredible technology and innovation to take place. We want it open and unfettered from government regulation in terms of the management of the Internet.

Further, we do not believe that the FCC has the legal authority to regulate in this area. When they have attempted this before, the D.C. Circuit Court has said, you did not prove, FCC, that you had legal authority and struck them down. And if they are able to get authority using section 706, they may well have opened the door to every State regulator in the country regulating the Internet. That's bad for innovation.

Ms. MCCOLLUM. Mr. Speaker, I rise in strong opposition to H.J. Res. 37—legislation introduced by the House majority that would bar the Federal Communications Commission (FCC) from enforcing the new rules on net neutrality that protect consumer freedom on the Internet.

Last year, the FCC produced a common-sense set of rules that would bar Internet service providers from slowing or blocking consumer access to the Internet. The rules strike a sensible balance between ensuring consumer access to the Internet and the need for Internet service providers to pursue innovative and equitable business models.

Today, the House Republican majority brought H.J. Res. 37 to the floor. This reckless legislation would strip away the FCC's ability to ensure a fair online marketplace and protect consumers. Moreover, it is being introduced at a time when large corporations are already restricting Americans' Internet freedom.

Under H.J. Res. 37, consumers would not have a right to know if their Internet connection is as fast as advertised, or how their Internet provider is charging them for certain services. This legislation is a threat to the open Internet: without proper enforcement of net neutrality rules, competition would be limited, innovation would be hindered, and open access to information would be restricted.

As individuals and businesses increasingly rely on access to high speed Internet, they

also rely on federal authorities to develop and enforce essential consumer protections. This radical proposal by House Republicans would demolish the Federal government's ability to carry out these protections and ensure a free and open Internet for our constituents. If the Republican majority gets their way and this bill becomes the law of the land, consumer choice would be sacrificed in favor of even more power for a handful of corporations.

I urge my colleagues to oppose H.J. Res. 37.

Ms. MOORE. Mr. Speaker, I rise today in opposition to H.J. Res. 37, a resolution of disapproval regarding the Federal Communications Commission's recent Internet and broadband industry practices ruling.

It is very telling that as we count down the hours till a likely government shut down, the majority party decides to focus their energy on net neutrality principles, rather than the American people.

I was elected into Congress to represent my constituents, including the 3,600 Federal employees in Wisconsin's fourth congressional district.

The same constituents who want answers to the very simple questions, "Will I get paid?" and "Can I make my mortgage payment?"

A Government shutdown is not free of consequence. Let me take a minute to explain how serious this is to our country.

Some estimate that a week-long shut down could cost America's economy \$8 billion. This would be a crushing blow to our economy as we have been seeing job growth, with more than 200,000 jobs added just last month.

Beyond that, many services will be delayed or stopped all together, including:

Tax refunds that families have budgeted for will be delayed;

Our brave men and women in the Armed Forces will still be fighting for us, but will be paid late;

Environmental reviews underway for new construction projects that create jobs will be stopped;

Federal Housing Administration would stop approving loans, threatening the housing market;

The Small Business Administration will stop giving loans to qualified small businesses that are ready to expand and create jobs;

Enrollments in programs like Social Security will be slowed;

Our national parks and museums will close affecting families who have saved up for vacation and the communities that rely on a strong tourism economy; and

800,000 Federal workers may be furloughed, which could ultimately cost the government about \$175 million a day in back wages.

Now the question is—what are we doing right now to prevent it?

The answer is: Nothing. The majority has deemed it necessary for the American people to debate whether or not to disapprove of the FCC's net neutrality rule.

The bill funding the government will expire tonight at midnight. Democrats have been working with Republicans and have met them more than halfway on the cuts they proposed in their 6-month continuing resolution. Yet, Republicans are refusing to compromise—not on the spending cuts—but on what are known as "policy riders." The bottom line is that this debate isn't about numbers anymore, it's about ideology.

Republicans are willing to shut down the government over debates we have been having for years over family planning services like birth control.

House Speaker JOHN BOEHNER has acknowledged that House Republicans need to compromise when he said they are clearly "one-half of one-third of the government." Yet, he is beholden to the fringe of his caucus.

I urge my Republican colleagues to put the ideological partisanship aside and work together for the sake of my district and the American people.

Mrs. CHRISTENSEN. Mr. Speaker, the legislation we are considering today—H.J. Res. 37—is one of the most regressive I have seen, even in a very regressive environment.

H.J. Res. 37 not only stifles innovation but is anti-small business, anti-consumer and, because it brings uncertainty back into the telecommunications marketplace, is also anti-investment and anti-job creation. All of the industry leaders, as well as consumer groups and those for whom an open Internet provides opportunities to start a business and grow, support the FCC rule.

The principles embodied therein have guided the Commission for years now and this resolution, if passed, would set this industry back decades with no benefit whatsoever and without the possibility of rectifying the damage it would do.

The FCC has adopted a framework that will preserve the open Internet and create certainty in an industry that changes every day. Ironically, it is the Republicans who are creating uncertainty by preventing the FCC from fulfilling its statutory mandate.

Using the Congressional Review Act to oppose the FCC's Open Internet Rule is bad politics and sets a bad precedent.

I urge my colleagues to vote "no" on H.J. Res. 37.

Ms. PELOSI. Mr. Speaker, in support of consumer choice, innovation and economic growth, and a free and open Internet, I oppose the repeal of net neutrality rules.

In the wake of extraordinary movements for reform and human rights in the Middle East—organized online, on Facebook and Twitter—the United States must take heed of one of the fundamental facts of our time: that an open Internet is a critical building block of free, prosperous, democratic societies in the 21st century.

Out of this conviction, many of us have fought for net neutrality rules—because neither government nor telecommunications firms should be in charge of our free speech; because the Internet strengthens our democracy, stimulates investment, and bolsters our economy.

As a coalition of small businesses wrote in opposition to today's resolution: "the open Internet increases opportunities for businesses large and small to compete and grow . . . An open Internet allows us to reach our customers at any place and at any time . . . An open Internet is an engine for economic growth, innovation, and job creation." To put it another way: an open Internet enhances consumer choice, supports entrepreneurship, and ensures competition in our economy.

Among those leading the charge are: Ranking Member HENRY WAXMAN, Energy and Commerce Committee; Congresswoman ANNA ESHOO, the top Democrat on the Energy and Commerce Subcommittee on Communications

and Technology; Congressman ED MARKEY, Congressman MIKE DOYLE, and Congresswoman DORIS MATSUI of the Energy and Commerce Committee.

Late last year—after hearing from public interest groups, civil rights organizations, religious leaders, small businesses, unions, and education advocates—the Federal Communications Commission issued long-overdue rules for open access to websites and online services.

These standards were a step in the right direction; but they did not go far enough. Standing alone, the rules are not sufficiently clear, consistent, or firm to effectively protect consumers and innovative freedom. But that's not reason to eliminate them; it's reason to strengthen them.

However, the resolution before us today takes us in the wrong direction. It will revoke basic consumer protections of transparency and choice online; eliminate competition and shut off outlets of innovation. And it betrays the democratic values resting at the core of our history, our success, and our country's prosperity.

We live in an era when the Internet has the potential to transform lives for the better—through job creation and economic development; as a venue to communicate, speak out, and exercise our fundamental right to free expression. Democrats and Republicans should be able to agree that we must tap into this potential for the benefit of all Americans. We must work together to maintain and expand an Internet where innovation can flourish, where consumer choice is protected, where the democratic spirit of our nation remains strong.

I urge my colleagues to vote "no" on this resolution.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to oppose H.J. Res. 37, a resolution disapproving of the recent FCC net neutrality rule.

The FCC's net neutrality rule is designed to ensure that the Internet remains affordable and accessible to all Americans. This goal is critical for Americans to engage the world and for the Internet to continue to be the engine of economic growth, job creation and innovation we have known it to be. To continue fulfilling this vital role in our society and economy, the Internet must be unencumbered and free from arbitrary or commercially driven disruptions. The FCC rule is tailored to achieve that objective.

Mr. Speaker, the FCC's net neutrality rule is the product of years of careful analysis, deliberation and review. The question of whether the FCC has the authority to issue the rule will ultimately be decided by the courts. We should not be considering such a serious matter under the expedited procedures and closed rule before us today.

I urge a "no" vote.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 200, the previous question is ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. HOYER. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. HOYER. I am in its present form.

Mr. WALDEN. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoyer moves to recommit the joint resolution, H. J. Res. 37, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 2, after line 8, insert the following:

SEC. 2. That the Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended by striking the date specified in section 106(3) and inserting "April 15, 2011".

Mr. HOYER (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 Maryland?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland is recognized for 5 minutes in support of his motion.

Mr. HOYER. Thank you very much, Mr. Speaker, and I want to thank the gentleman from Oregon for the time. I understand that he could have precluded that, and I appreciate the fact that he gave me the time.

Mr. Speaker, we've heard on the floor about all the Americans who would suffer the very real effects of a government shutdown. Those effects might include slowed economic growth, which means, of course, fewer jobs; a weakened housing market; delayed pay for our military families; delayed benefits for our veterans; unanswered Social Security applications; proceedings and more. Republicans are holding these government services hostage. Let me repeat that. The Republicans are holding those services hostage. And it turns out that their ransom demand is the passage of divisive social policy, because Mr. and Mrs. America know, my colleagues and Mr. Speaker, that we have got an agreement on numbers. We've got an agreement on how much to cut, a compromise. Henry Clay said, "To compromise is to govern." We cannot govern if we do not come to agreement. But we haven't come to agreement now.

Democrats have proven more than willing to compromise. We've met Republicans more than halfway, only to find out that Republicans cannot stand up to the most extreme in their party who demand that we have an agreement on a social policy totally unrelated to the deficit. But we're still hopeful that Members of both of our parties can put their responsibility to the American people first, come to a compromise, and keep the government open for the people it serves.

To give that work the time it needs, I urge my colleagues for a clean, 1-

week spending bill, a bridge to keep the government functioning into next week. That is what this motion will do. It's very simple. It will keep our defense structure intact, make sure that our people on the front line, in harm's way, get paid; make sure that every other government official that is serving the American people stays on the job to do just that.

It is free of divisive social policy. It contains no partisan measures. It will ensure that our troops are taken care of and paid on time. And unlike the partisan, divisive, 1-week extension passed by the Republicans, it can and will become law. Those Members who understand that we must compromise in order to govern I think will support this 1-week bridge and support this motion to recommit.

□ 1500

Mr. Speaker, let me say to you that I had the privilege of being on television with your whip, the majority whip, a friend of mine. His assertion was that, well, we had voted for some of these policies when George Bush was President. I didn't agree with those policies, but I allowed them to stay in the bill. Why? Because I knew that I had to compromise. I knew that the American public had elected a Republican President who disagreed with me. And I knew as well that I needed to keep the government running because I had a responsibility to the American public to do so. I had a responsibility to the servicemembers to do so. And so, yes, I compromised. That is all this resolution is asking of all of you.

You have a President of our country. Is he a Democrat? He is. But he is elected by the people of the United States, and he disagrees with your provision, just as George Bush agreed with it. But when we were in charge, we did not shut down the government because of that disagreement; we understood that the American public expected us to compromise and come to an agreement. This motion to recommit, if passed, will allow you to do that and keep government open.

We have now been debating for almost 2 hours, under the rule and during the course of this debate, an amendment that will make no difference to the American public tomorrow. This motion to recommit will make all the difference to America tomorrow. It is the difference between keeping the government open and shutting it down in just a little less than 9 hours from now.

I ask each of our colleagues, Republican and Democrat, conservative and liberal, east, west, north, and south: Support this motion to recommit. It is the responsible, effective way to do what so many of you have said you want to do, and that is to keep this government functioning for the American people, continue to give it stability.

And I might add that you criticized us for creating uncertainty. I think

that was an apt criticism, my colleagues on the Republican side, that certainty is important in our economy. Nothing will create more uncertainty than defeating this motion to recommit.

I urge its adoption.

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

Mr. WALDEN. Mr. Speaker, I continue to reserve my point of order.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Oregon claims the time in opposition to the motion and is recognized for 5 minutes.

Mr. WALDEN. To my dear friend and colleague from Maryland, I'm actually surprised he has the time to come to the floor given the status of negotiations, I'm sure they're taking place as we speak, but we appreciate him coming to the floor.

Let me make a couple of points. First of all, the continuing resolution they put forward in this context is more of the status quo spending that just keeps government growing. We're saying no; we are to do better than that for the American people. We need to reduce wasteful Washington spending. We need to create jobs in the private sector.

We came here to cut back on the deficit and not put an ever-increasing, intolerable, unsustainable—frankly, immoral—budget deficit and debt on the next generation, our kids and our grandkids. We did not come here to do that. We came here to cut spending.

Mr. HOYER. Could my friend yield just so I can correct, because I will tell my dear friend—

Mr. WALDEN. I have not yielded.

Mr. HOYER. Could you yield just so I can correct the statement? Because it does cut the \$51 billion we've already agreed to. And I thank the gentleman.

Mr. WALDEN. I appreciate that.

The point here, though, is this: We would not be here today if the Democrats in the last Congress had bothered to take up a budget and pass it or even vote on it. That is the first time since the 1974 Budget Act was put into law that I believe the House didn't consider a budget. It's not that the House and Senate have always agreed on a budget, but at least they've always voted on a budget. And the Democrats, under Speaker PELOSI and my friend from Maryland, could not bring or did not bring a budget to the House floor for even consideration in the House.

Now I was in small business for 22 years, I've served on various boards, and if you failed to bring a budget and pass a budget at a city council, a county commission, a corporation, you would be tossed out. But in the Congress—well, I guess they did get tossed out in November, but they didn't do a budget. And then, you didn't fund the government through the fiscal year we're in today. You only funded it into March, and then it was left on our doorstep when we took the majority. That's not the first time that's happened, and it has happened over time,

but we came in and said, okay, we won, we assume the responsibility to govern. And we passed a continuing resolution to fund the government through the rest of this fiscal year—it would have funded our troops and everything else—and cut \$61 billion in spending. And that still resides in that august body across the Capitol where they can't seem to act.

When that didn't work, we came back with another continuing resolution, cut \$2 billion a week. That resolution was passed in this House—I think with bipartisan support—went to the Senate, was passed there, signed by the President. We continue to negotiate because we're not here to shut down the government. We're here to cut the government spending and get back toward a balanced budget and create jobs in the private sector.

When they couldn't get a deal, we passed another continuing resolution. We cut more—another \$2 billion a week, we're up to 10 now. That passed this House, it went over to the Senate, it became law.

And then when we could get nothing else back from the Senate, yesterday we brought forward a resolution to make sure our men and women in uniform, who are fighting for our freedom across this globe, and their families here at home, would get paid through the end of this fiscal year. And we also cut spending. We cut the spending we cut in the first resolution—that's still residing in the Senate where they can't act—and we sent that over to the Senate where it sits. Now the first thing we hear from the President is, I'm going to veto it. And the Senate says, oh, we can't take that up. Well, why not? We passed it here, and we did so in a bipartisan way. And it's over there.

Republicans have acted responsibly to the will of the American people. We have said time and again we will govern, and we will govern responsibly. There is no blank check here anymore. And we're going to follow the rules.

POINT OF ORDER

Mr. WALDEN. That is why I am insisting on my reservation of a point of order because we are not going to violate the House rules. The motion is not in order because it violates clause 7—as I'm sure the gentleman from Maryland knows—of rule XVI of the Rules of the House. It is not germane to the resolution before us.

Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOYER. Mr. Speaker, I wish to speak on the point of order.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, Congressman ALLEN WEST, a newly elected Republican from Florida, said, "I'm disgusted at the perception that leaders in my own party are now using the men and women in uniform to pass a short-term budget bill." That was a newly

elected Republican, a former member of the Armed Forces of the United States. My point being this, Mr. Speaker: This resolution speaks directly to keeping the government of the United States operating for the next 7 days, keeping our men and women in the Armed Forces paid for that week, making sure that every other necessary service for government is available to the American people for the next 7 days. And it is the only vehicle that now appears to be viable to accomplish that objective. And as a result, Mr. Speaker, I believe this is not only in order; it is imperative that we pass this motion to recommit. And I would urge the Speaker to find it in order.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Oregon makes a point of order that the instructions included in the motion to recommit propose an amendment not germane to the joint resolution. Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

House Joint Resolution 37 addresses a rule submitted by the Federal Communications Commission. The instructions contained in the motion to recommit address continuing appropriations for the fiscal year 2011, a different subject matter.

Accordingly, the amendment proposed in the motion to recommit is not germane. The point of order is sustained and the motion is not in order.

Mr. HOYER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. WALDEN. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the joint resolution, if arising without further proceedings in recommitment; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 181, not voting 16, as follows:

[Roll No. 251]

AYES—235

| | | |
|-----------|-------------|-------------|
| Adams | Bachus | Biggert |
| Aderholt | Barletta | Billbray |
| Akin | Bartlett | Bilirakis |
| Alexander | Barton (TX) | Bishop (UT) |
| Amash | Bass (NH) | Black |
| Austria | Benishek | Blackburn |
| Bachmann | Berg | Bonner |

| | | | | | | | | |
|---------------|-----------------|---------------|----------------|------------------|---------------|-----------------|-----------------|---------------|
| Bono Mack | Harper | Pearce | Honda | Michaud | Schiff | Davis (KY) | Jones | Reed |
| Boustany | Harris | Pence | Hoyer | Miller (NC) | Schrader | Denham | Jordan | Rehberg |
| Brady (TX) | Hartzler | Petri | Inslee | Miller, George | Schwartz | Dent | Kelly | Renacci |
| Brooks | Hastings (WA) | Pitts | Israel | Moore | Scott (VA) | DesJarlais | King (IA) | Ribble |
| Broun (GA) | Hayworth | Platts | Jackson (IL) | Moran | Scott, David | Diaz-Balart | King (NY) | Rivera |
| Buchanan | Heck | Poe (TX) | Jackson Lee | Murphy (CT) | Serrano | Dold | Kingston | Roby |
| Bucshon | Heller | Pompeo | (TX) | Nadler | Sewell | Dreier | Kinzinger (IL) | Roe (TN) |
| Buerkle | Hensarling | Posey | Johnson (GA) | Napolitano | Sherman | Duffy | Kline | Rogers (AL) |
| Burgess | Herger | Price (GA) | Johnson, E. B. | Neal | Shuler | Duncan (SC) | Labrador | Rogers (KY) |
| Burton (IN) | Herrera Beutler | Quayle | Kaptur | Olver | Sires | Duncan (TN) | Lamborn | Rogers (MI) |
| Calvert | Huelskamp | Reed | Keating | Owens | Slaughter | Ellmers | Lance | Rohrabacher |
| Camp | Huizenga (MI) | Rehberg | Kildee | Pallone | Smith (WA) | Emerson | Landry | Rokita |
| Campbell | Hultgren | Reichert | Kind | Pascrell | Speier | Farenthold | Lankford | Rooney |
| Canseco | Hunter | Renacci | Kissell | Pastor (AZ) | Stark | Fincher | Latham | Ros-Lehtinen |
| Cantor | Hurt | Ribble | Kucinich | Payne | Sutton | Fitzpatrick | LaTourette | Roskam |
| Capito | Issa | Rigell | Langevin | Perlmutter | Thompson (CA) | Flake | Latta | Ross (FL) |
| Carter | Jenkins | Rivera | Larsen (WA) | Peters | Thompson (MS) | Fleischmann | Lewis (CA) | Royce |
| Cassidy | Johnson (IL) | Roby | Larson (CT) | Peterson | Tierney | Fleming | LoBiondo | Runyan |
| Chabot | Johnson (OH) | Roe (TN) | Lee (CA) | Pingree (ME) | Tonko | Flores | Long | Ryan (WI) |
| Chaffetz | Johnson, Sam | Rogers (AL) | Levin | Price (NC) | Towns | Forbes | Lucas | Scalise |
| Coble | Jones | Rogers (KY) | Lewis (GA) | Quigley | Tsongas | Fortenberry | Luetkemeyer | Schilling |
| Coffman (CO) | Jordan | Rogers (MI) | Lipinski | Rahall | Van Hollen | Fox | Lummis | Schmidt |
| Cole | Kelly | Rohrabacher | Loeb | Rangel | Velázquez | Franks (AZ) | Lungren, Daniel | Schock |
| Conaway | King (IA) | Rokita | Lofgren, Zoe | Reyes | Visclosky | Gallegly | E. | Schrader |
| Cravaack | King (NY) | Rooney | Lowey | Richardson | Walz (MN) | Gardner | Mack | Schweikert |
| Crawford | Kingston | Ros-Lehtinen | Luján | Richmond | Wasserman | Garrett | Manzullo | Scott (SC) |
| Crenshaw | Kinzinger (IL) | Roskam | Lynch | Ross (AR) | Schultz | Gerlach | Marchant | Scott, Austin |
| Culberson | Kline | Ross (FL) | Maloney | Rothman (NJ) | Watt | Gibbs | Marino | Scott, David |
| Davis (KY) | Labrador | Royce | Markley | Roybal-Allard | Waxman | Gibson | McCarthy (CA) | Sensenbrenner |
| Denham | Lamborn | Runyan | Matheson | Ruppersberger | Weiner | Gingrey (GA) | McCaul | Sessions |
| Dent | Lance | Ryan (WI) | Matsui | Rush | Welch | Gohmert | McClintock | Shimkus |
| DesJarlais | Landry | Scalise | McCarthy (NY) | Ryan (OH) | Wilson (FL) | Goodlatte | McCotter | Shuster |
| Diaz-Balart | Lankford | Schilling | McCollum | Sánchez, Linda | Woolsey | Gosar | McHenry | Simpson |
| Dold | Latham | Schmidt | McDermott | T. | Wu | Gowdy | McKeon | Smith (NE) |
| Dreier | LaTourette | Schock | McGovern | Sanchez, Loretta | Yarmuth | Granger | McKinley | Smith (NJ) |
| Duffy | Latta | Schweikert | McIntyre | Sarbanes | | Graves (GA) | McMorris | Smith (TX) |
| Duncan (SC) | Lewis (CA) | Scott (SC) | McNerney | Schakowsky | | Graves (MO) | Rodgers | Southerland |
| Duncan (TN) | LoBiondo | Scott, Austin | | | | Griffin (AR) | Meehan | Stearns |
| Ellmers | Long | Sensenbrenner | | | | Griffith (VA) | Mica | Stivers |
| Emerson | Lucas | Sessions | Becerra | Giffords | Polis | Grimm | Miller (FL) | Stutzman |
| Farenthold | Luetkemeyer | Shimkus | Berkley | Hinche | Waters | Guinta | Miller (MI) | Sullivan |
| Fincher | Lungren, Daniel | Shuster | Clay | Lummis | Young (AK) | Guthrie | Miller, Gary | Terry |
| Fitzpatrick | E. | Simpson | Costa | Meeks | Young (FL) | Hall | Mulvaney | Thompson (MS) |
| Flake | Mack | Smith (NE) | Frelinghuysen | Paul | | Hanna | Murphy (PA) | Thompson (PA) |
| Fleischmann | Manzullo | Smith (NJ) | | Pelosi | | Harper | Myrick | Thornberry |
| Fleming | Marchant | Smith (TX) | | | | Harris | Neugebauer | Tiberi |
| Flores | Marino | Southerland | | | | Hartzler | Noem | Tipton |
| Forbes | McCarthy (CA) | Stearns | | | | Hastings (WA) | Nugent | Turner |
| Fortenberry | McCaul | Stivers | | | | Hayworth | Nunes | Upton |
| Fox | McClintock | Stutzman | | | | Heck | Nunnelee | Walberg |
| Franks (AZ) | McCotter | Sullivan | | | | Heller | Olson | Walden |
| Gallegly | McHenry | Terry | | | | Hensarling | Palazzo | Walsh (IL) |
| Gardner | McKeon | Thompson (PA) | | | | Herger | Paulsen | Webster |
| Garrett | McKinley | Thornberry | | | | Herrera Beutler | Pearce | West |
| Gerlach | McMorris | Tiberi | | | | Huelskamp | Pence | Westmoreland |
| Gibbs | Rodgers | Tipton | | | | Huizenga (MI) | Peterson | Whitfield |
| Gibson | Meehan | Turner | | | | Hultgren | Petri | Wilson (SC) |
| Gingrey (GA) | Mica | Upton | | | | Hunter | Pitts | Wittman |
| Gohmert | Miller (FL) | Walberg | | | | Hurt | Platts | Wolf |
| Goodlatte | Miller (MI) | Walden | | | | Issa | Poe (TX) | Womack |
| Gosar | Miller, Gary | Walsh (IL) | | | | Jenkins | Pompeo | Woodall |
| Gowdy | Mulvaney | Webster | | | | Johnson (IL) | Posey | Yoder |
| Granger | Murphy (PA) | West | | | | Johnson (OH) | Price (GA) | Young (IN) |
| Graves (GA) | Myrick | Westmoreland | | | | Johnson, Sam | Quayle | |
| Graves (MO) | Neugebauer | Whitfield | | | | | | |
| Griffin (AR) | Noem | Wilson (SC) | | | | | | |
| Griffith (VA) | Nugent | Wittman | | | | | | |
| Grimm | Nunes | Wolf | | | | | | |
| Guinta | Nunnelee | Womack | | | | | | |
| Guthrie | Olson | Woodall | | | | | | |
| Hall | Palazzo | Yoder | | | | | | |
| Hanna | Paulsen | Young (IN) | | | | | | |

NOT VOTING—16

□ 1533

Ms. PINGREE of Maine changed her vote from “aye” to “no.”

Mr. FRANKS of Arizona changed his vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

RECORDED VOTE

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

A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 179, not voting 13, as follows:

[Roll No. 252]

AYES—240

NOES—181

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler

Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Donnelly (IN)

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggett
Bilbray
Bilirakis

Bishop (GA)
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
Cravaack
Crawford
Crenshaw
Culberson

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berman
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)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper

NOES—179

Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez

Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb
Lofgren, Zoe

| | | |
|----------------|------------------|---------------|
| Lowey | Perlmutter | Sherman |
| Lujan | Peters | Shuler |
| Lynch | Pingree (ME) | Sires |
| Maloney | Price (NC) | Slaughter |
| Markey | Quigley | Smith (WA) |
| Matheson | Rahall | Speier |
| Matsui | Rangel | Stark |
| McCarthy (NY) | Reichert | Sutton |
| McCollum | Reyes | Thompson (CA) |
| McDermott | Richardson | Tierney |
| McGovern | Richmond | Tonko |
| McIntyre | Rigell | Towns |
| McNerney | Ross (AR) | Tsongas |
| Michaud | Rothman (NJ) | Van Hollen |
| Miller (NC) | Roybal-Allard | Velázquez |
| Miller, George | Ruppersberger | Visclosky |
| Moore | Rush | Walz (MN) |
| Moran | Ryan (OH) | Wasserman |
| Murphy (CT) | Sánchez, Linda | Schultz |
| Nadler | T. | Watt |
| Napolitano | Sanchez, Loretta | Waxman |
| Neal | Sarbanes | Weiner |
| Olver | Schakowsky | Welch |
| Owens | Schiff | Wilson (FL) |
| Pallone | Schwartz | Woolsey |
| Pascarell | Scott (VA) | Wu |
| Pastor (AZ) | Serrano | Yarmuth |
| Payne | Sewell | |

NOT VOTING—13

| | | |
|---------------|---------|------------|
| Berkley | Hinchey | Waters |
| Clay | Meeks | Young (AK) |
| Cleaver | Paul | Young (FL) |
| Frelinghuysen | Pelosi | |
| Giffords | Polis | |

□ 1541

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I would like to inform my colleagues that additional legislative business and votes are possible today.

I would expect Members to have at least 1 hour's notice prior to any recorded votes. Due to ongoing negotiations, it is critical for the House to remain in legislative session.

In addition, Mr. Speaker, I would remind my colleagues that in the case of a lapse in appropriations, I fully expect the House to meet tomorrow.

We will provide further information as soon as it's available, but Members should continue to keep their schedule for this weekend as flexible as possible.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

(0000)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at midnight.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 8, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 8, 2011 at 11:35 p.m.:

That the Senate passed with amendment H.R. 1363.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

FURTHER ADDITIONAL CONTINUING APPROPRIATIONS AMENDMENTS, 2011

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time to take from the Speaker's table the bill H.R. 1363, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

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

Mr. DICKS. Mr. Speaker, reserving the right to object, this only affects this bill tonight; isn't this correct?

Mr. DREIER. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me say, yes, this only addresses the measure, the short-term continuing resolution, that we are considering this evening.

Mr. DICKS. And the only amendment to this is the \$2 billion in cuts; is that correct?

Mr. DREIER. If the gentleman would further yield, the gentleman is absolutely correct.

Mr. DICKS. So this would look a lot like the Dicks amendment that was offered in the Rules Committee for a clean CR?

Mr. DREIER. If the gentleman would yield, I would say that the groundwork that was laid earlier this week by my very good friend from Seattle has, I know, played an integral role in getting us to this very important point.

Mr. DICKS. We could have done it a little earlier, is all I am saying.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to the order of the House of today, I call up the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. *The Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended—*

(1) *by striking the date specified in section 106(3) and inserting "April 15, 2011";*

(2) *by adding after section 294, as added by the Additional Continuing Appropriations Amendments, 2011 (section 1 of Public Law 112-6), the following new sections:*

"SEC. 295. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Office of the Secretary—Transportation Planning, Research, and Development' at a rate for operations of \$9,800,000.

"SEC. 296. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Facilities and Equipment' at a rate for operations of \$2,927,500,000.

"SEC. 297. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Research, Engineering, and Development' at a rate for operations of \$187,000,000.

"SEC. 298. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service' at a rate for operations of \$1,000,000,000.

"SEC. 299. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Railroad Research and Development' at a rate for operations of \$35,100,000.

"SEC. 300. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Capital Investment Grants' at a rate for operations of \$1,720,000,000.

"SEC. 301. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Research and University Research Centers' at a rate for operations of \$64,200,000.

"SEC. 302. Notwithstanding section 101, amounts are provided for 'Department of Housing and Urban Development—Public and Indian Housing—Public Housing Operating Fund' at a rate for operations of \$4,626,000,000.

"SEC. 303. Notwithstanding sections 101 and 226, amounts are provided for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund' at a rate for operations of \$4,230,068,480, of which \$0 shall be for grants for the Economic Development Initiative (EDI), \$0 shall be for neighborhood initiatives, and \$0 shall be for grants specified in the last proviso of the last paragraph under such heading in title II of division A of Public Law 111-117: Provided, That the second and third paragraphs