Concerns over cost, again, are absolutely important, but I will read from the committee report: ''This bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.''

That it is a pretty simple bill and a pretty simple rule. It asks that we lift the curtain of secrecy around the regulations that protect our health and safety. It asks that we make health and safety issues not things that divide us around process, but things that unite us around results.

Candidly, I came to this institution to achieve those results, Mr. Speaker, and I am proud to be carrying this rule to the floor today. I encourage all of my colleagues to please support this bill, and with its passage we can get to the underlying legislation, end the shroud of secrecy, and restore public confidence in the laws that protect all of our health and safety.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 229 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 356) to establish the National Commission on Foreign Interference in the 2016 Election. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 356.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF S.J. RES. 34, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (S.J. Res. 34) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services''. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to commit.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 230 provides for a rule to consider a Congressional Review Act resolution which will undo a duplicative regulation put into place by the previous administration in the final hours of that Presidency.

The rule brings before the House this resolution so that Congress may remove through the proper legislative process rules promulgated by bureaucrats who remain unaccountable to the American people. This process allows those who are accountable—the elected Representatives in Congress—to fight for our constituents' rights and liberties.

House Resolution 230 provides for a closed rule for the Congressional Review Act resolution, S.J. Res. 34, the standard procedure for such resolutions, since the sole purpose of the resolution is to remove a regulation from the Federal Register.

□ 1315

The rule allows for 1 hour of debate, equally divided between the chair and ranking member of the Committee on Energy and Commerce. Further, the minority is afforded the customary motion to commit.

The Federal Communications Commission issued its Open Internet Order, reclassifying broadband providers as common carriers, which brought them under the jurisdiction of the Federal Communications Commission. The Federal Trade Commission is the primary regulator of companies' privacy and data security practices; however, the Federal Trade Commission's regulatory authority under section 5 of the Federal Trade Commission Act does not extend to common carriers. Therefore, the reclassification of broadband internet service providers as common carriers created a legal enforcement gap.

The Federal Communications Commission determined that the privacy provisions of the Communications Act would now apply to broadband internet service providers and that new and expanded privacy rules were necessary. Therefore, the Federal Communications Commission promulgated new privacy rules for common carriers on October 27, 2016. These rules were adopted a mere 10 days before the 2016 Presidential election. They were adopted on a party-line vote and over serious objections by the minority Commission members and the internet service providers. The Federal Communications Commission's rules are a departure from the privacy protections that have been applied by the Federal Trade Commission for years.

The Federal Trade Commission employs an opt-out model that requires companies to provide consumers notice of the data that is collected and how it will be used. Consumers are then given the option to opt out of this data collection if they so choose. Instead of implementing well-established collection practices that are accepted industrywide, the Federal Communications Commission chose to promulgate an opt-in model for its new internet service providers. This model prohibits broadband internet service providers from using, disclosing, or providing access to customer proprietary information without the customer's affirmative opt-in consent. Such data includes browsing history, application usage, and location data, among other types of information.

While this may sound like a good thing to opt in to, in reality, it unfairly skews the market in favor of providers that already have access to consumer information. For example, search engines, social media sites, and internet content providers like Netflix, Google, Facebook, Amazon, and Apple, these providers, known as edge providers, are free to collect consumer data that broadband internet service providers, under the jurisdiction of the Federal Communications Commission, are not. The ability to provide consumer data drives the digital advertising market.

The Federal Communications Commission's privacy rules arbitrarily treat internet service providers differently from the rest of the internet, amounting to government intervention in the free market. The Federal Communications Commission stated that the rules would provide more transparency, the rules would provide more choice, the rules would provide more protection; however, these expanded provisions may also result in more frequent breach notifications, leading to a weaker focus on security by consumers who do suffer from notification fatigue.

While the Federal Communications Commission's privacy rules were meant to protect consumers, they actually can inhibit security and market competition while creating confusion by subjecting parts of the internet ecosystem to different rules and different jurisdictions. To correct this policy, on March 23, 2017, the Senate passed S.J. Res. 34, a Congressional Review Act resolution of disapproval to nullify the privacy rulemaking promulgated by the Federal Communications Commission.

Prior to the reclassification of broadband internet service providers as common carriers under the jurisdiction of the Federal Communications Commission, the Federal Trade Commission regulated companies' privacy practices while preserving the Federal Communications Commission's authority to enforce privacy obligations of broadband service providers on a case-by-case basis.

This Congressional Review Act will restore the status quo that existed prior to the Federal Communications Commission's Open Internet Order and bring the privacy practices of all parts of the internet back into balance. Not only will this level the playing field for an increasingly anticompetitive market, but it will ensure parity in the protection of consumer data.

The new Chairman of the Federal Communications Commission, Ajit Pai, has called to halt the Federal Communications Commission's privacy rules. He stated: ''All actors in the online space should be subject to the same rules. . . . The Federal Government shouldn't favor one set of companies over another.'' This is precisely the type of limited government that we should be striving for after years of overreaching by the previous administration and its regulations. The Congressional Review Act protects consumers, and it restores the free market competitiveness that actually allows our economy to thrive.

The Congressional Review Act is an important tool in maintaining accountability at the Federal level. Its necessity has never been more apparent than over the past 2 months, where this Congress has needed to step in and remove burdensome, unbalanced regulations put in place by the prior administration and their team just as they were walking out the door.

House Republicans today will stand up for the rights of our constituents against the out-of-control Federal bureaucracy. I urge my colleagues to support today's rule and the underlying Congressional Review Act resolution.

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

Mr. POLIS. Mr. Speaker, up until now, every President since Gerald Ford has disclosed their tax return information. These returns provide a basic level of transparency that helps ensure the public's interest is placed first. The American people deserve the same level of disclosure from this administration. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative ESHOO's bill that would require Presidents and major party nominees for the Presidency to release their tax returns.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. Mr. Speaker, I yield 7 minutes to the gentlewoman from California (Ms. ESHOO) to discuss this proposal and also the important aspects of the underlying bill that need to be responded to.

Ms. ESHOO. Mr. Speaker, I thank my friend and colleague from Colorado for his leadership and for yielding time to me.

First of all, I would like to respond to the gentleman's presentation about the underlying bill.

Make no mistake about it, what the underlying bill does today is it wipes out—it totally wipes out—privacy protections for consumers on the internet. That is what it does. There are not duplicative regulations. I know that it was stated on the floor that there are duplicative regulations.

There are two agencies—the Federal Communications Commission and the Federal Trade Commission—however, it is only the FCC, the Federal Communications Commission, that can actually protect consumers by enforcing the protections. The FTC does not have that authority.

What happens today if these privacy protections are ripped away from the American people? Well, all the information that you give to your internet service provider, whether it is Comcast, whether it is cable providers, Charter, AT&T, the one that you pay a pretty big bill to, they can take all of the information that they have—my account, your account, your account, your account—and use that information to sell it to the highest bidder to make money off of it.

Now, there is an additional charge in this thing, alleged charge, and that is,

well, what about Google and Netflix and Facebook? What about them? Why aren't they subject to what the FCC did? Well, they are edge providers. They are edge providers.

You don't have to go to Google. You don't have to go to Facebook. You don't have to go to Netflix in order to get your internet service. That is why the FCC did not apply these rules to them. Maybe there should be a debate about them. But to equalize and say that Google and Facebook are equal to your internet service provider suggests to me that some people just don't know what they are talking about.

This is a subject that the American people feel very, very deeply about. In fact, I think it is in the DNA of every American: ''I want my privacy, and it should be protected.'' We all feel that way.

What is being done today is a ripping away. It is like taking a bandage, just stripping it away. Who do you go to? Who do you go to complain to? No one. No one. Because there isn't anything left to enforce.

I think it is a sad day if the underlying bill passes. I think it is shocking that my Republican colleagues, either out of a lack of understanding of how the internet works, how their constituents—all of our constituents benefit from these protections of our privacy, and our information is private. I don't want anyone to take my information and sell it to someone and make a ton of money off of it just because they can get their mitts on it. That is why the privacy protections were adopted.

May I ask how much time is remaining?

The SPEAKER pro tempore. The gentlewoman has 3 minutes remaining.

Mr. POLIS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from California.

The SPEAKER pro tempore. The gentlewoman has 4 minutes remaining.

Ms. ESHOO. Mr. Speaker, I will close that one off and go to the other reason that I am on the floor today. I thank the gentleman again for yielding me the time.

I rise in opposition to the rule and, obviously, the underlying resolution; and I urge my colleagues to defeat the previous question so that my bipartisan bill, the Presidential Tax Transparency Act, can be made in order for immediate floor debate and a vote.

Mr. Speaker, my legislation would require the President and all future Presidents and Presidential nominees to publicly disclose their tax returns. It is a very simple bill.

This is the third time this year that I have offered this bill as the previous question motion, and for the last several weeks, Members—including Mr. POLIS, Mr. PASCRELL, Mr. CROWLEY, Ms. LOFGREN, and myself—have offered privileged resolutions directing the House to request the President's tax returns. Nearly every day we give the majority the opportunity to demonstrate leadership on this issue, and nearly every day they continue to help the President hide his tax returns from the public.

Now, every President of both parties, since Gerald Ford, has voluntarily made their tax returns public. The President has 564 financial positions in companies located in the United States and around the world, according to the Federal Election Commission, making him more susceptible to conflicts of interest than any President in our history. Without disclosure of his tax returns, the American people are prevented from knowing where his income comes from, whether he is dealing with foreign powers, what he owes and to whom, and how he may directly benefit from the policies he proposes.

There are daily revelations about previously undisclosed meetings between the President's staff and Russian officials, as well as a steady flow of troubling information about The Trump Organization's ties to state-connected businesses and individuals in Turkey, Azerbaijan, China, and other countries. Last week, The New York Times reported that The Trump Organization is finalizing an agreement to build a hotel in partnership with a firm that has ''deep Turkish roots'' and business ties in Russia, Kazakhstan, and two dozen other countries.

Without the disclosure of the President's tax returns, there is no way for the American people to know the full extent of his foreign entanglements and possible conflicts of interest on this or other deals that his family business is engaged in.

□ 1330

I think the House is failing, Mr. Speaker, to exercise our constitutional obligation to conduct effective oversight and operate as a check on the executive branch. We can change that today by taking up and passing this bipartisan bill, which will ensure that the President, and all future Presidents, will be held to a baseline level of disclosure. That is why I urge my colleagues to defeat the previous question, so we can hold an immediate vote on the Presidential Tax Transparency Act.

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

Mr. Speaker, to bring us back to the business at hand, which is the rule allowing the vote on the Congressional Review Act later today, I want to quote now from the web page of the Federal Trade Commission, under the title of Protecting Consumer Privacy. Reading from their website:

The Federal Trade Commission has been the chief Federal agency on privacy policy and enforcement since the 1970s when it began enforcing one of the first Federal privacy laws—the Fair Credit Reporting Act. Since then, rapid changes in technology have raised new privacy challenges, but the Federal Trade Commission's overall approach has been consistent. The agency uses law enforcement, policy initiatives, and consumer and business education to protect consumers' personal information and ensure that they have the confidence to take advantage of the many benefits of an ever-changing marketplace.

This is from the ftc.gov website.

Mr. Speaker, I include in the RECORD the web page of the Federal Trade Commission.

FEDERAL TRADE COMMISSION

PROTECTING CONSUMER PRIVACY

The FTC has been the chief federal agency on privacy policy and enforcement since the 1970s, when it began enforcing one of the first federal privacy laws—the Fair Credit Reporting Act. Since then, rapid changes in technology have raised new privacy challenges, but the FTC's overall approach has been consistent: The agency uses law enforcement, policy initiatives, and consumer and business education to protect consumers' personal information and ensure that they have the confidence to take advantage of the many benefits of the ever-changing marketplace.

FTC's Privacy Report: Balancing Privacy and Innovation;

The Do Not Track Option: Giving Consumers a Choice;

Making Sure Companies Keep Their Privacy Promises to Consumers;

Protecting Consumers' Financial Privacy;

The Children's Online Privacy Protection Act (COPPA): What Parents Should Know.

Mr. BURGESS. Mr. Speaker, I thank the men and women of the Federal Trade Commission for all the work they have done over the years in protecting our privacy.

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

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

Mr. Speaker, I rise in opposition to the rule and the resolution.

This resolution undermines fundamental privacy for every internet user. You hear my colleague on the other side trying to conflate different things. When your broadband provider can sell your information, and there is no rule prohibiting them from doing so—effectively that includes all of your browsing history, data entered in forms, everything that you have done on the internet that has absolutely nothing to do with a relationship with a particular content provider or e-commerce company; you can enter information, obviously, for the express purpose of them optimizing your experience or selling you a product—they are then the owners of that information, and you have choice in the marketplace. Whereas, with our broadband providers, most of us don't have a choice. You either sign up for the local cable company or you don't.

Before I discuss the many disastrous facets of this resolution, I also want to point out that this is yet another closed rule. There have been absolutely no open rules that allow Democrats and Republicans to bring forward amendments. No amendments are allowed under this rule here on the floor of the House of Representatives. Sadly, that has become the norm.

The FCC recently took steps to reevaluate their rule. Commissioner Pai even paused their implementation to examine the FCC doing their job.

Now, why would Congress step in and use the CRA authority, a very cumbersome authority, that also prohibits future implementation of similar rules?

In many ways, it hamstrings the agency.

What we are worried about is that, if this bill were to become law, it would essentially be impossible for the FCC to act to protect the privacy of Americans who use broadband ever again. So it is not a matter of a nuance under this rule. If we go through the process of passing a CRA, the FCC wouldn't be able to pass any rule—or if they did, it would be under a legal cloud—to protect the privacy of the American people. That is the danger: that CRAs are effectively permanent.

The second aspect is that the FCC has already established a notice and comment period that allows for comment on the new rules. By going around that, we would avoid government transparency.

So here is what is at stake. On October 27, 2016, after a 6-month rulemaking process that was open to public comment and received comments, the FCC developed a commonsense rule to protect our privacy. The rule that we are talking about undoing basically does three things, which are great.

It requires broadband internet access service providers to obtain opt-in consent before using or sharing sensitive information. Sounds obvious that we would want that. We wouldn't want information that doesn't have an opt-in consent to be sold or used. That includes things like web browsing history or data that is entered on forms.

It would also require broadband providers to use reasonable measures to protect the cybersecurity of our data. Again, of course.

Third, it requires that broadband providers notify consumers in the event of a breach of information. Again, just like we have with credit card companies, we want some kind of affirmative information that is given to consumers that your information may be breached if there is a cybersecurity threat that might do that.

This bill undoes all those things. It says that you don't have to notify people if there is a breach, you don't need to have reasonable measures to protect cybersecurity, and, most importantly, with regard to privacy, it will no longer require opt-in consent before using, sharing, or selling your most intimate personal data that you use on the internet.

Now, look at the implications of this rollback. It is not just a collection of internet data usage, but bulk collection of all of your network traffic. A broadband provider could collect every search, every website visited, every email written and received, every piece of data entered, every article read, see how often you log in and how you use various accounts for all members of your family, including minors, and even your location, sell that information, and use that information without restriction and without opt-in.

Think about what someone can conclude about this information—your political affiliation, preferences, your health.

What could they do with it?

They could charge pricing of goods and services discriminating against you based on your income or your past purchasing behavior. Your sensitive financial information could be used to steer you to higher costs and worse financial products. This rule would literally change how broadband providers have access to your entire personal life. It would make the broadband providers the most valuable part of the internet value chain.

Now, we all want broadband providers to have compensation for the infrastructure costs and a reasonable profit. There is no doubt about that. Those of us who advocate for net neutrality, as I do, or those who advocate for privacy, we want them to have a reasonable return on investment so that we can all have access to broadband. And we have that largely through user fees and subscription fees.

Have you seen your cable bill, Mr. Speaker?

I have seen my cable bill. It ain't cheap anymore. But many families pay for it because it is the best way to have fast access to the internet.

And guess what?

The cable companies are able to justify broadband in many areas.

Again, maybe there are some tweaks, and it would be great if there is a way we could have greater value for rural broadband and have them have an ROI. We would love that. But the answer is not to turn over the keys to the internet and all your personal data to cable companies and say: You own it all. You are more powerful than Amazon, more powerful than Google, more powerful than every consumer site because you own everything that is entered into every one of those and more, and you can sell it and use it as you see fit without restriction, without even requiring that users opt in.

The value conveyance from the content side to the infrastructure side of this bill would be game-changing and game-destroying for the free and open internet. It simply makes no sense.

Look, consumers should have the right to choose with who and how they share their personal information. When it comes to a broadband provider, we simply don't have that choice that you do with consumer websites like Facebook or Google, which are governed under a separate set of laws.

Proponents of this bill are arguing that, because there is not adequate protection somehow in social media and the edge providers here, somehow the standard should be lower for broadband internet services. It makes no sense. In today's day and age, not having internet access is simply not an option for many Americans. To say you can choose not to have broadband, maybe in some places you can pay more for satellite and you might have some reasonably fast download but not upload that may be spotty, maybe you want to use dial-in over your phone. But for most of us—I use broadband. Most of us use broadband through our cable because it is the most cost-effective way to have high-speed internet access, and that is the case for most American families.

So this is not the time to get rid of privacy rules and convey the vast ecosystem that is the internet away from the content and dynamism that exists there to the broadband side. That is absurd.

People can choose not to use social media accounts, can choose what they share, and can choose who to enter contracts with with regard to searches or purchases. Social media is an optional platform that you can choose between many providers, but the broadband access side frequently looks and acts more like a monopoly.

Supporters of this bill also mention how this somehow levels the playing field for broadband providers. What it does is it tilts the playing field entirely in their favor. Internet service providers are a gateway to the internet. They do not own the internet.

The second protection the rule offers is to require reasonable measures be taken to protect the data that they want to collect. Again, we all value cybersecurity and protection of this data. Given the countless incidents of cyber hacking incidents, how can we entertain the idea of rolling back a rule that requires reasonable measures to protect consumer data? What are proponents advocating for? No measures to protect consumer data?

The third important protection under this rule is the consumers whose data has been breached should be notified. Again, that is important. I had my credit card stolen a few years ago and got notified that it was. I used it at another location where it might have been compromised and I received notification. This eliminates that notification from users of broadband. It would do away with that.

I would like to know, as would consumers, if my credit card information was hacked. I want to know if my personal profile or medical records or emails were hacked. If someone is able to attain my children's names, our home address, information about the schools they attend, or the homework they do, I would want to know.

Now, look, this bill moves entirely the wrong direction. It basically seizes the value of the internet from content, from e-commerce, from all of the important dynamism that occurs there and tries to apply that to the broadband side rather than simply find a reasonable way for broadband providers to see a return on investment.

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

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

Mr. Speaker, just to put some things in context, I wanted to share some information from a blog called redstate.com, posted by Seton Motley, on March 27, 2017, talking about the difference between the size and scope of edge providers versus the ISPs, the internet service providers. The parent company of one of the largest edge providers is valued at over $500 billion. He points out in his blog post, by way of comparison, the nation of Singapore's gross domestic product, the entire output for every man, woman, and child in a very productive country is $508 billion. Basically, the same. So the edge provider stands on equal financial footing of the world's 40th richest country.

By way of contrast, the Nation's largest internet service provider has a net worth of $148 billion. So the edge provider is more than three and a half times larger than the Nation's largest ISP.

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

Mr. BURGESS. Mr. Speaker, I yield myself an additional 30 seconds.

I think we can begin to see the scope of the problem and why unbalancing this playing field is inherently a bad idea.

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

Mr. POLIS. Mr. Speaker, the evaluation is as it should be. Again, when infrastructure is laid, we want a reasonable ROI. It is like utility infrastructure or water infrastructure. I would never expect that the world's most valuable companies would be the pipes in the people's homes. The magic of the internet is the content. That is what drives the desire for broadband access. And, of course, there are other ways that people can access the internet, but broadband and cable have a technical advantage on price and speed.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I thank the gentleman for yielding.

I have a simple question: What the heck are you thinking? What is in your mind? Why would you want to give out any of your personal information to a faceless corporation for the sole purchase of them selling it?

Give me one good reason why Comcast should know what my mother's medical problems are. Do you know how they would know? Because when I went to the doctor with her and they told me what it was, I had no clue what they were talking about, so I came home and I searched it on the net, and I searched the drugs that she was taking. The same with my children.

Just last week, I bought underwear on the internet. Why should you know what size I take, or the color, or any of that information?

□ 1345

These companies are not going broke. That is not the situation. The internet is not in jeopardy. This is plain and simple, and I don't get this.

When I was growing up, I thought one of the tenets of the Republican Party that I admired the most was privacy. It is mine, not yours, not the government's—mine. You can't have it unless I give it to you.

My phone number, my Social Security number, my credit card number, my passwords—everything is mine. Yet you just want to give it away. You make one good argument: let's level the playing field. You are right. I agree with you. But you don't level the playing field by getting rid of the playing field. You level it by raising it on those who are not subject to this rule.

Please give me one—not two—one good reason why all of these people here, why all of these people watching would want Comcast or Verizon to have information unless they give it to them. We are talking medical information. We are talking passwords. We are talking financial information. We are talking college applications. There is nothing in today's society that every one of us doesn't do every day on the internet, yet Comcast is going to get it—not because I said it is okay.

And what are you going to do with it? Kind of look at it and say: oh, yeah, hey, Mike takes a size 38 underwear. That is great. They are going to sell it to the underwear companies. Hey, he bought this kind of underwear. He likes this color. Let's give him ads. By the way, most of those ads are useless, because I already bought the underwear. I don't need any more.

But it is none of their information. It is none of their business. Go out in the street, please, leave Capitol Hill for 5 minutes. Go anywhere you want, find three people on the street who think it is okay, and you can explain to them ROIs, the company has to make progress, and we have to make money.

You will lose that argument every single time, as you should. And I guarantee you, you won't find anybody in your district who wants this bill passed.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I do quite agree with what Mr. CAPUANO just shared, but I will say this: for anybody listening to this broadcast today, this is a classic fight of the big money against the many. The big money, they say that they want even more money, so they want to be able to dig into your private information so that they can figure out when you get up, when you go to bed, what you looked up, and then write ads just so they could try to sell you more stuff.

And as disgusting as that is, you can see easily how that is not the end of it. What if you have somebody who has something really sensitive that they just want a little bit more information about, that is not of a nature where it is saleable, but it is just their business? Well, somebody else is going to know now. And they may well be able to monetize it, gather it, and distribute it.

It is outrageous what the majority is doing today, and I can't possibly believe that it is conservative, that it is small government. I can't believe that they believe that this is what a government in restraint should do. The government should be protecting our rights, protecting our privacy. Small government means that the individual ought to be protected from the big powers out there, like the corporate interests, yet the majority is handing us over to them at this very hour.

Mr. Speaker, I urge Members of the majority to vote against this. I can't believe that a person who is a constitutional conservative would ever vote for a monstrosity like this. It is beyond my comprehension that a conservative libertarian would say: oh, yeah, give the individuals' information over to the big commercial interests. This is one of those moments.

The majority, you guys have the House, you have the Senate, and you have the White House. The only restraint you have is yourselves. And I know there has got to be somebody in that body who believes that Comcast, Sprint, and all of the rest should not have anybody's underwear size in this body.

It is an outrage. It is an abuse, and I urge a very emphatic ''no.''

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

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

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. KHANNA).

Mr. KHANNA. Mr. Speaker, I thank Mr. POLIS for yielding and for your leadership on this issue.

This resolution would overturn rules that protect a consumer's privacy, and they would be a handout to internet service providers: Comcast, Verizon, AT&T. Now, as it is, the average American, 80 percent of Americans, don't have a choice about which internet service provider they can use, and they pay six to seven times more than people pay in France, than people pay in Britain. And people wonder: Why is this?

Obviously, the United States did all of the research that invented the internet. Why are Americans paying more? It is because they have monopolistic, anticompetitive practices. So what is the solution? Instead of making the industry more competitive so Americans have more choice and don't have to pay as much, what this bill wants to do is give these four or five internet service providers even more power, allowing them to take an individual's data and sell it to whoever they want.

The fear of Big Brother is so real out there, as it is, people fear that the bureaucracy and big companies are controlling their lives. This bill would allow that to continue and get worse.

What we need is more anticompetitive legislation. What we need is a stronger internet bill of rights that applies to ISPs and other internet service companies not a rollback of the regulations that currently exist.

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

Mr. POLIS. Mr. Speaker, I would like to inquire if the gentleman has any remaining speakers.

Mr. BURGESS. Mr. Speaker, I apparently do not have any additional speakers.

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

It is no surprise that nobody wants to come to the floor and talk in favor of this bill because it is such an awful bill. This bill would allow your broadband provider of internet services to sell all of your personal information.

So, again, the other side is trying to conflate two entirely different things. When you do a transaction within an e-commerce site or search site, you are agreeing to their terms of service, and you are engaging in a discrete transaction, and the information that you enter is subject to their terms of use—completely appropriate. A competitor is only a click away.

Whether there are any monopolistic content providers is a different matter for a different day, and a different Federal agency—the FTC. What we are talking about here is the access piece, the broadband access piece. They actually, through the pipes, get to see all of the information that is entered that you see: every email; all of your credit card information; if you use the internet for any personal medical research, all of your personal medical research; your kids' information, everything your kids and minors in the family do. And what this bill says is: you don't have to require people to opt in to have their information used.

Consumers should be in control of their own information. They shouldn't be forced to sell and give that information to who knows who simply for the price of admission for access to the internet.

Again, we all want there to be a reasonable capital return on infrastructure and on broadband. That is something we can agree on. If there is a case to be made that we can do better in providing an economic return to encourage rural broadband, I am for it. I know many of my colleagues on the other side would be for it. Let's do it.

What we don't want to do in that process is turn over the entire value chain of the internet to the infrastructure and provider side, rather than the dynamic innovative content and e-commerce side.

I would like to read an excerpt from two letters from groups who are opposed to this bill. The first is a coalition of 19 media, justice, consumer protection, civil liberties, and privacy groups.

Their concern that: ''Without these rules, ISPs could use and disclose customer information at will. The result could be extensive harm caused by breaches or misuse of data.''

They remind us that: ''The FCC's order simply restores people's control over their personal information and lets them choose the terms on which ISPs can use it, share it, or sell it.''

Consumers should be in control of their own information.

The second letter is from Consumers Union, the policy arm of Consumer Reports. They say, in part, that this bill ''would strip consumers of their privacy rights and . . . leave them with no protections at all.''

I include in the RECORD those two letters, Mr. Speaker.

JANUARY 27, 2017.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.
Hon. MITCH MCCONNELL,
Senate Majority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SPEAKER RYAN, SENATOR MCCONNELL, REPRESENTATIVE PELOSI, AND SENATOR SCHUMER: The undersigned media justice, consumer protection, civil liberties, and privacy groups strongly urge you to oppose the use of the Congressional Review Act (CRA) to adopt a Resolution of Disapproval overturning the FCC's broadband privacy order. That order implements the mandates in Section 222 of the 1996 Telecommunications Act, which an overwhelming, bipartisan majority of Congress enacted to protect telecommunications users' privacy. The cable, telecom, wireless, and advertising lobbies request for CRA intervention is just another industry attempt to overturn rules that empower users and give them a say in how their private information may be used.

Not satisfied with trying to appeal the rules of the agency, industry lobbyists have asked Congress to punish internet users by way of restraining the FCC, when all the agency did was implement Congress' own directive in the 1996 Act. This irresponsible, scorched-earth tactic is as harmful as it is hypocritical. If Congress were to take the industry up on its request, a Resolution of Disapproval could exempt internet service providers (ISPs) from any and all privacy rules at the FCC. As you know, a successful CRA on the privacy rules could preclude the FCC from promulgating any ''substantially similar'' regulations in the future—in direct conflict with Congress' clear intention in Section 222 that telecommunications carriers protect their customers' privacy. It could also preclude the FCC from addressing any of the other issues in the privacy order like requiring data breach notification and from revisiting these issues as technology continues to evolve in the future. The true consequences of this revoked authority are apparent when considering the ISPs' other efforts to undermine the rules. Without these rules, ISPs could use and disclose customer information at will. The result could be extensive harm caused by breaches or misuse of data.

Broadband ISPs, by virtue of their position as gatekeepers to everything on the internet, have a largely unencumbered view into their customers' online communications. That includes the websites they visit, the videos they watch, and the messages they send. Even when that traffic is encrypted, ISPs can gather vast troves of valuable information on their users' habits; but researchers have shown that much of the most sensitive information remains unencrypted.

The FCC's order simply restores people's control over their personal information and lets them choose the terms on which ISPs can use it, share it, or sell it. Americans are increasingly concerned about their privacy, and in some cases have begun to censor their online activity for fear their personal information may be compromised. Consumers have repeatedly expressed their desire for more privacy protections and their belief that the government helps ensure those protections are met. The FCC's rules give broadband customers confidence that their privacy and choices will be honored, but it does not in any way ban ISPs' ability to market to users who opt-in to receive any such targeted offers.

The ISPs' overreaction to the FCC's broadband privacy rules has been remarkable. Their supposed concerns about the rule are significantly overblown. Some broadband providers and trade associations inaccurately suggest that this rule is a full ban on data use and disclosure by ISPs, and from there complain that it will hamstring ISPs' ability to compete with other large advertising companies and platforms like Google and Facebook. To the contrary, ISPs can and likely will continue to be able to benefit from use and sharing of their customers' data, so long as those customers consent to such uses. The rules merely require the ISPs to obtain that informed consent.

The ISPs and their trade associations already have several petitions for reconsideration of the privacy rules before the FCC. Their petitions argue that the FCC should either adopt a ''Federal Trade Commission style'' approach to broadband privacy, or that it should retreat from the field and its statutory duty in favor of the Federal Trade Commission itself. All of these suggestions are fatally flawed. Not only is the FCC well positioned to continue in its statutorily mandated role as the privacy watchdog for broadband telecom customers, it is the only agency able to do so. As the 9th Circuit recently decided in a case brought by AT&T, common carriers are entirely exempt from FTC jurisdiction, meaning that presently there is no privacy replacement for broadband customers waiting at the FTC if Congress disapproves the FCC's rules here.

This lays bare the true intent of these industry groups, who also went to the FCC asking for fine-tuning and reconsideration of the rules before they sent their CRA request. These groups now ask Congress to create a vacuum and to give ISPs carte blanche, with no privacy rules or enforcement in place. Without clear rules of the road under Section 222, broadband users will have no certainty about how their private information can be used and no protection against its abuse. ISPs could and would use and disclose consumer information at will, leading to extensive harm caused by breaches and by misuse of data properly belonging to consumers.

Congress told the FCC in 1996 to ensure that telecommunications carriers protect the information they collect about their customers. Industry groups now ask Congress to ignore the mandates in the Communications Act, enacted with strong bipartisan support, and overturn the FCC's attempts to implement Congress's word. The CRA is a blunt instrument and it is inappropriate in this instance, where rules clearly benefit internet users notwithstanding ISPs' disagreement with them.

We strongly urge you to oppose any resolution of disapproval that would overturn the FCC's broadband privacy rule.

Sincerely,

Access Now, American Civil Liberties Union, Broadband Alliance of Mendocino County, Center for Democracy and Technology, Center for Digital Democracy, Center for Media Justice, Color of Change, Consumer Action, Consumer Federation of America, Consumer Federation of California, Consumer Watchdog, Consumer's Union, Free Press Action Fund, May First/People Link, National Hispanic Media Coalition, New America's Open Technology Institute, Online Trust Alliance, Privacy Rights Clearing House, Public Knowledge.

CONSUMERS UNION,
March 27, 2017.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Consumers Union, the policy and mobilization arm of Consumer Reports, writes regarding House consideration of S.J. Res. 34, approved by a 50–48 party line vote in the Senate last week.

This resolution, if passed by the House and signed into law by President, would use the Congressional Review Act (CRA) to nullify the Federal Communication Commission's (FCC) newly-enacted broadband privacy rules that give consumers better control over their data. Many Senators cited ''consumer confusion'' as a reason to do away with the FCC's privacy rules, but we have seen no evidence proving this assertion and fail to understand how taking away increased privacy protections eliminates confusion. Therefore, we strongly oppose passage of this resolution—it would strip consumers of their privacy rights and, as we explain below, leave them with no protections at all. We urge you to vote no on S.J. Res. 34.

The FCC made history last October when it adopted consumer-friendly privacy rules that give consumers more control over how their information is collected by internet service providers (ISPs). Said another way, these rules permit consumers to decide when an ISP can collect a treasure trove of consumer information, whether it is a web browsing history or the apps a consumer may have on a smartphone. We believe the rules are simple, reasonable, and straightforward.

ISPs, by virtue of their position as gatekeepers to everything on the internet, enjoy a unique window into consumers' online activities. Data including websites consumers visit, videos viewed, and messages sent is very valuable. Small wonder, then, that ISPs are working so hard to have the FCC's new privacy rules thrown out through use of the Congressional Review Act. But we should make no mistake: abandoning the FCC's new privacy rules is about what benefits big cable companies and not about what is best for consumers.

Many argue the FCC should have the same privacy rules as those of the Federal Trade Commission (FTC). FCC Chairman Ajit Pai went so far as to say ''jurisdiction over broadband providers' privacy and data security practices should be returned to the FTC, the nation's expert agency with respect to these important subjects,'' even though the FTC currently possesses no jurisdiction over the vast majority of ISPs thanks to the common carrier exemption—an exemption made stricter by the Ninth Circuit Court of Appeals in last year's AT&T Mobility case. We have heard this flawed logic time and time again as one of the principal arguments for getting rid of the FCC's strong privacy rules. Unfortunately, this is such a poor solution that it amounts to no solution at all.

For the FTC to regain jurisdiction over the privacy practices of ISPs, the FCC would first have to scrap Title II reclassification—not an easy task which would be both time-consuming and subject to judicial review, and jeopardize the legal grounding of the 2015 Open Internet Order. Congress, in turn, would have to pass legislation to remove the common carrier exemption, thus granting the FTC jurisdiction over those ISPs who are common carriers. We are skeptical Congress would take such an action. Finally, the FTC does not enjoy the same robust rulemaking authority that the FCC does. As a result, consumers would have to wait for something bad to happen before the FTC would step in to remedy a violation of privacy rights. Any fondness for the FTC's approach to privacy is merely support for dramatically weaker privacy protections favored by most corporations.

There is no question that consumers favor the FCC's current broadband privacy rules. Consumers Union launched an online petition drive last month in support of the Commission's strong rules. To date, close to 50,000 consumers have signed the petition and the number is growing. Last week, more than 24,000 consumers contacted their Senators urging them to oppose the CRA resolution in the 24 hours leading up to the vote. Consumers care about privacy and want the strong privacy protections afforded to the them by the FCC. Any removal or watering down of those rules would represent the destruction of simple privacy protections for consumers.

Even worse, if this resolution is passed, using the Congressional Review Act here will prevent the FCC from adopting privacy rules—even weaker ones—to protect consumers in the future. Under the CRA, once a rule is erased, an agency cannot move forward with any ''substantially similar'' rule unless Congress enacts new legislation specifically authorizing it. Among other impacts, this means a bare majority in the Senate can void a rule, but then restoration of that rule is subject to full legislative process, including a filibuster. The CRA is a blunt instrument—and if used in this context, blatantly anti-consumer.

We are more than willing to work with you and your fellow Representatives to craft privacy legislation that affords consumer effective and easy-to-understand protections. The FCC made a step in that direction when it adopted the broadband privacy rules last year, and getting rid of them via the Congressional Review Act is a step back, not forward. Therefore, we encourage you to vote no on S.J. Res. 34.

Respectfully,

LAURA MACCLEERY,
Vice President, Consumer Policy & Mobilization, Consumer Reports.
JONATHAN SCHWANTES,
Senior Policy Counsel, Consumers Union.
KATIE MCINNIS,
Policy Counsel, Consumers Union.

Mr. POLIS. I also include in the RECORD an op-ed that I had the opportunity to publish last week on this topic. My piece is entitled ''Why Americans should be worried about their online broadband privacy,'' talking about this very bill that Congress has the tenacity to try to bring to the floor under this rule to force the most personal information pieces of information about every aspect of your internet behavior, and that of your family members, to be given to the broadband provider to do whatever they want with.

[From the Huffington Post, March 22, 2017]

WHY AMERICANS SHOULD BE WORRIED ABOUT THEIR ONLINE, BROADBAND PRIVACY

(By Jared Polis)

Over the last couple of months, the dialogue surrounding government surveillance and consumer privacy has shifted in a troubling direction. While news outlets are covering everything from false claims of wiretaps to outlandish claims of reconnaissance microwaves, Republicans are quietly taking real and dramatic steps to protect corporate profits at the cost of your privacy. A few weeks ago, Senator Jeff Flake (R–Ariz.) and Representative Marsha Blackburn (R–Tenn.) filed bills in both the House of Representatives and the Senate that, if passed, will permanently eliminate broadband users' privacy protections, affecting nearly everyone who uses the Internet.

The legislation allows broadband providers to access and sell consumers' information without their permission. As our gateway to the Internet, Broadband Internet Service Providers—commonly referred to as ISPs—have access to a wealth of personal information, from our physical location to our shopping habits and the medical issues we research—can reveal potentially sensitive details about our personal lives.

Every search, every website visited, every article read online, see how often you log into and use your various online accounts and even, in some cases, collect your location. Think about what someone could conclude from this information about you—your overall health, risk activity, political affiliation, preferences. What could they do with that information? Could they change pricing of goods and services depending on your income and past purchasing behaviors? Could you face challenges obtaining insurance due to perceptions on your health or risk behavior based on your search activity? This rule change will literally allow broadband providers to have access to your entire personal life on a network and sell it.

After years of advocating for further consumer protections, in October 2016, the Federal Communications Commission (FCC) took a responsible and commonsense step to establish broadband privacy protections—but only months later Republicans are trying to roll back the progress made and repeal the existing rules, fighting alongside corporate broadband providers.

The legislation is unnecessary, as the FCC has already taken steps to review the rules, pausing implementation to conduct a careful examination of the complexities of implementation. The Republican legislation, would stop this process, bypass public comment, and eliminate the privacy protections permanently and irrevocably.

That is why I am drawing attention to this critical issue, before it's too late.

Mr. POLIS. Like these groups, I also believe that privacy is worth defending. In the wrong hands, information can be damaging and used for the wrong reasons.

Simply put, this bill is about conveying the value of the internet to the infrastructure side rather than the content side. And rather than finding common ground to establish reasonable ROI for broadband and internet investments, this bill would hurt the entire internet ecosystem by breaking down the trust between consumers and service providers.

What they are really trying to do here is shift the reasonable burden for cybersecurity measures from the internet servers onto consumers. At the

same time, they want to eliminate the requirements of cybersecurity measures, even notify consumers of violations, and they want to collect more and more consumer data without any protections to do what they want with.

Supporting this bill would make each and every user of the internet vulnerable to violations of our privacy and vulnerable to cybersecurity threats without even receiving notifications of when our own intimate information, like credit card numbers, is compromised.

The FCC took a responsible, deliberate, and commonsense step to establish broadband privacy protections in October 2016. If they need to be tweaked or changed, let's have a process to do that. This bill is not that process. It not only undoes those privacy protections but prevents the FCC from ever issuing a rule that has those privacy protections in it.

Mr. Speaker, if passed, this bill would be an irrevocable step in the wrong direction. I urge my colleagues to vote ''no'' on this rule and the underlying bill, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the remainder of my time.

I include in the RECORD an op-ed from The Wall Street Journal from March 1, 2017, by JEFF FLAKE, a member of the other body. The title of the op-ed is ''Settling a Bureaucratic Turf War in Online Privacy Rules.''

[From The Wall Street Journal, Mar. 1, 2017]

SETTLING A BUREAUCRATIC TURF WAR IN ONLINE PRIVACY RULES

(By Jeff Flake)

When you shop online from your tablet or browse the internet on your smartphones, you expect your personal data to be secure. Technology companies invest billions of dollars on data security to protect consumer privacy.

Privacy is also a cornerstone of consumer protection, with federal enforcement agencies striking an appropriate balance between innovation and security in their regulations. But just as a flawed line of code can render a new firewall program useless, the new privacy rules that were rushed through in the waning days of the Obama administration risk crashing our longstanding privacy-protection regime.

For two decades, the Federal Trade Commission has been America's sole online privacy regulator. Under the FTC's watch, our internet and data economy has been the envy of the world. The agency's evidence-based approach calibrates privacy and data-security requirements to the sensitivity of information collected, used or shared online, and applies protections in a consistent and evenhanded way across business sectors. Consumer behavior demonstrates the success of the FTC's regulatory approach: Each day people spend more time engaging in online activities.

But in 2015, in a bid to expand its own power, the Federal Communications Commission short-circuited the effectiveness of the FTC's approach by reclassifying internet service providers as common carriers, subject to Title II of the Communications Act.

In taking that unprecedented action, the FCC unilaterally stripped the FTC of its traditional jurisdiction over ISPs. The FTC can no longer police the privacy practices of providers, leaving us with a two-track system under which the FCC applies its own set of rules for ISPs while the FTC monitors the rest of the internet ecosystem.

Even after the 2015 power grab, the FCC could have simply adopted as its own the FTC's successful sensitivity-based model of privacy regulation. Instead—after last year's election—the FCC finalized privacy regulations that deviate extensively from the FTC framework in several key respects.

The FCC rules subject all web browsing and app usage data to the same restrictive requirements as sensitive personal information. That means that information generated from looking up the latest Cardinals score or checking the weather in Scottsdale is treated the same as personal health and financial data.

The new rules also restrict an ISP's ability to inform customers about innovative and cost-saving product offerings. So much for consumer choice.

The FCC's overreach is a dangerous deviation from successful regulation and common-sense industry practices. But don't just take my word for it. The FTC concluded that the FCC's decision to treat ISPs differently from the rest of the internet ecosystem was ''not optimal—agency-speak for ''a really bad idea.''

Outside of the FTC's well-founded concerns, the new rules are also a departure from bipartisan agreement on the need for consistent online privacy rules. President Obama noted in 2012 that ''companies should present choices about data sharing, collection, use, and disclosure that are appropriate for the scale, scope, and sensitivity of personal data in question at the time of collection.'' In other words, privacy rules should be based on the data itself.

But that's not how the FCC sees it. The commission's rules suffocate industry and harm consumers by creating two completely different sets of requirements for different parts of the internet.

To protect consumers from these harmful new regulations, I will soon introduce a resolution under the Congressional Review Act to repeal the FCC's flawed privacy rules. While the resolution would eliminate those rules, it would not change the current statutory classification of broadband service or bring ISPs back under FTC jurisdiction. Instead, the resolution would scrap the FCC's newly imposed privacy rules in the hope that it would follow the FTC's successful sensitivity-based framework.

This CRA resolution does nothing to change the privacy protections consumers currently enjoy. I hope Congress and the FCC will continue working together to address issues of concern down the road. However, it is imperative for rule-making entities to stay in their jurisdictional lanes. We need to reject these harmful midnight privacy regulations that serve only to empower bureaucrats and hurt consumers.

Mr. BURGESS. I want to read from a couple of the lines from this op-ed. The Senator states here: ''Privacy is also a cornerstone of consumer protection, with Federal enforcement agencies striking an appropriate balance between innovation and security in their regulations. But just as a flawed line of code can render a new firewall program useless, the new privacy rules that were rushed through in the waning days of the Obama administration risk crashing our longstanding privacy-protection regime.''

Continuing to quote here: ''For two decades, the Federal Trade Commission has been America's sole online privacy regulator. Under the FTC's watch, our internet and data economy has been the envy of the world. The agency's evidence-based approach calibrates privacy and data-security requirements to the sensitivity of information collected, used or shared online, and applies protections in a consistent and evenhanded way across business sectors. Consumer behavior demonstrates the success of the FTC's regulatory approach: Each day people spend more time engaging in online activities.''

Now, continuing to quote here: ''The FCC's overreach is a dangerous deviation from successful regulation and commonsense industry practices. But don't take my word for it. The FTC concluded that the FCC's decision to treat ISPs differently from the rest of the internet ecosystem was 'not optimal'—agencyspeak for 'a really bad idea.' ''

One final quote from Senator FLAKE's op-ed: ''This CRA resolution does nothing to change the privacy protections consumers currently enjoy. I hope Congress and the FCC will continue working together to address issues of concern down the road. However, it is imperative for rulemaking entities to stay in their jurisdictional lanes. We need to reject these harmful midnight privacy regulations that serve only to empower bureaucrats and hurt consumers.''

Mr. Speaker, today's rule provides for the consideration of a critical Congressional Review Act resolution to repeal a duplicative Federal regulation dropped on the doorstep of the American people in the last hours of the previous administration. The rule the House will be voting on today to repeal would create uncertainty and chaos surrounding the protection of people's privacy online.

I want to thank Mrs. BLACKBURN of Tennessee, the chairwoman of the Energy and Commerce Subcommittee on Communication and Technology, for her work on this critical issue.

I urge my colleagues to vote ''yes'' on the rule and vote ''yes'' on the underlying resolution.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 230 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 305) to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Ways and Means and Oversight and Government Reform. After general debate the bill shall be

considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 305.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3 p.m. today.

Accordingly (at 2 o'clock and 1 minute p.m.), the House stood in recess.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 3 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 229;

Adoption of House Resolution 229, if ordered;

Ordering the previous question on House Resolution 230; and

Adoption of House Resolution 230, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1430, HONEST AND OPEN NEW EPA SCIENCE TREATMENT ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 229) providing for consideration of the bill (H.R. 1430) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 231, nays 189, not voting 19, as follows:

[Roll No. 197]

YEAS—231

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman