most honorable of vocations and among the most dangerous.

The pain of his untimely death transcends our borders. He will be missed by caring people universally. My heartfelt sorrow and prayers go to his child yet to be born, his wife, his family and his friends, and certainly all of us who knew him.

□ 1100

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 350

Resolved, That at any time after the adoption of this resolution the Speaker may, 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. 1542) to deregulate the Internet and high speed data services, and for other purposes. 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 the amendments made in order by this resolution and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee on the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further 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.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), 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.

Mr. Speaker, House Resolution 350 is a structured rule providing for the consideration of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001.

H. Res. 350 provides for 1 hour and 20 minutes of general debate, with 1 hour of that time equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

H. Res. 350 waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole.

H. Res. 350 provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. It also provides that no further amendment to the bill, as amended, shall be in order except those amendments printed in part B of the report of the Committee on Rules.

H. Res. 350 provides that the amendments printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division in the House or in the Committee of the Whole.

H. Res. 350 waives all points of order against amendments printed in part B of the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, I urge the House to approve this resolution so that we can move on to a vigorous debate on the underlying bill, the Tauzin-Dingell broadband measure.

When the House of Representatives was writing the 1996 Telecommunications Act a number of years ago, I played a role in helping to restore a sense of balance to that bill with respect to its treatment of the various segments of the telecommunications industry as it moved from the Subcommittee on Telecommunications and the Internet to the full Committee on Commerce, to the floor, on to the other body, and eventually into public law. I did so because I believed key to enacting such a monumental, deregulatory telecommunications measure was to take a balanced approach.

I am somewhat dismayed with the current form of H.R. 1542, as I fear that it moves the telecommunications market away from the progress we have started to make under the 1996 act, and puts us instead on a road towards large, unregulated monopolies dominating the telecommunications industry.

This rule provides for two different amendments to section 4 of the bill, which has been at the center of the debate on this proposal from the beginning.

With respect to the upcoming debate regarding the Buyer-Towns and Cannon-Conyers amendments, I will support the Cannon-Conyers proposal, which seeks to address some of the telecommunications industry's concerns with the current version of the Tauzin-Dingell bill, and in doing so will bring some sense of balance, in my judgment, to this proposal. In closing, I am going to vote for this rule.

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

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

Mr. Speaker, I rise today to support this rule, and to support the underlying bill because it will help close the digital divide and increase people's access to high-speed Internet service.

I want to take a moment to put this issue in perspective. I may be dating myself a little, but the transition to broadband today reminds me of the transition to color television more than 40 years ago. When I was growing up in Fort Worth, just one family in my neighborhood had a color television. Everyone else had black and white sets. So when we wanted to watch football games in color, all of the neighborhood kids would pack into that one lucky family's house.

Mr. Speaker, that is the current situation with broadband. Today, many homes and businesses in communities across the country have no more access to high-speed Internet service than they did 3 years ago when this bipartisan bill was first being debated in Congress. So needless to say, I am very pleased that the House will finally vote on H.R. 1542, the Tauzin-Dingell broadband bill today.

Mr. Speaker, I support this legislation because it will expand access to high-speed Internet connections and increase competition for broadband services. Our current telecommunications law was passed only 5 years ago, but it is already outdated for the rapidly-evolving Internet markets.

Tauzin-Dingell will permit Bell operating companies to operate high-speed data networks, the backbone of the Internet, throughout the country. It will also require those companies to upgrade all of their systems, in every community, for high-speed Internet within 5 years.

Under current law, different rules for different broadband platforms have stifled innovation and saddled consumers

with higher prices and fewer choices. Companies that offer high-speed Internet access over cable lines or satellites are allowed to compete free from regulation. But local phone companies that provide DSL service, which also offer high-speed Internet, are regulated like an old-fashioned telephone service.

This disparity in regulation restricts access to high-speed Internet in many parts of the country. Presently, only a fraction of households have access to broadband services, and rural areas and inner cities are particularly underserved today. This bipartisan bill will help bring broadband to these underserved communities by utilizing phone lines that already run into nearly every home.

Mr. Speaker, current law also drives up the cost people pay for high-speed Internet. Right now 64 percent of those households that have high-speed Internet access use cable modem service. Tauzin-Dingell would provide these consumers with another alternative by lifting the regulations on the major providers of DSL service.

Let me give a couple of examples of how that affects families and small businesses. Many children use the Internet to do their homework, and if they cannot get high-speed service, kids have to spend the entire evening on the computer waiting for the information they need to complete their lessons.

Mr. Speaker, this bipartisan bill could also bring broader benefits to our economy. Unleashing competition in broadband service will lower prices for those using broadband services, and will bring high-speed Internet to consumers and small businesses without access today, allowing them to be more productive and more likely to invest in new equipment and technologies.

By passing the Tauzin-Dingell bill today, Mr. Speaker, we are bringing high-speed Internet a step closer to all of our constituents. The greatest benefit of the Internet is choice. Consumers today can get the news and information they want, when they want it. Tauzin-Dingell will help preserve the free and open nature of the Web by giving consumers greater access to broadband connections and more choices in high-speed Internet providers.

Mr. Speaker, some Members have reservations about the way the Conyers amendment is treated under the rule. They feel Conyers should be entitled to a straight up or down vote rather than being subjected to a substitute by Buyer and Towns. They will be given ample time during the debate on the rule to express their concerns.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), the sponsor of the Tauzin-Dingell bill.

Mr. TAUZIN. Mr. Speaker, I suppose everyone in America has heard the term Tauzin-Dingell to describe this bill, but I want to describe the full and complete name of the bill. The bill is correctly entitled the Internet Freedom and Broadband Deployment Act of 2001.

Mr. Speaker, why is that important? Because that is essentially what the bill does. It ensures that the Internet remains free. Free of what? Free of government regulation both at the State and Federal level and makes sure that the Internet in fact is as free as Americans and people around the world hoped it would be.

Secondly, it is about broadband deployment, and I want to associate myself with the fine description of the gentleman from Texas of how this bill delivers access to citizens in the poorest parts of America who will wait forever for broadband services unless we turn lose the creativity of these companies.

Let me try to put it in lay terms as I would explain to my buddies at a hunting camp in Louisiana what broadband really is. The gentleman from Texas (Mr. FROST) said it right. Broadband is a system that delivers the Internet. It is about the Internet. It is not about the old world of telephone compensation where the government separates so Americans have to pay more every time you make a distant call.

Mr. Speaker, it is about the Internet where distance is irrelevant, where Americans can share data and information with anyone in the world. It is about a distant irrelevant, incredibly important new communication system for our country and the world. And broadband is not the Internet our daddies drove. It is the new Internet. It is not the Internet where we had to dial up and wait patiently to get some information. It is a new, high-speed, hot, ready to go, rich-with-information system that is going to make the Internet the engine that is going to drive the American economy into the future.

This bill is about jobs. It is about creating 1.2 million new jobs to replace the 300,000 jobs lost in the telecommunications industry. It is the biggest consumer bill we will see this Congress because it gives consumers across America, some of them the first chance to get broadband, where we are only 10 percent connected in this country, and some of them a chance to get a competitive system so they can choose between broadband suppliers. Members know the difference there. Members know what happens with one store in town: there are high prices, bad products, bad service, and bad attitudes. When the second store comes to town, consumers get better prices, better service, better products and better attitudes.

Mr. Speaker, this bill is about bringing the second store to town, to make sure that the dominant cable broadband supplier has a real competitor at home so consumers can make a choice. It is about making sure that the Internet is free from the bureaucrats who might regulate it to death the way they almost did the telephone industry. This is a bill about protecting the Internet and its freedom, developing its capabilities for our country, and creating new jobs. I commend the Committee on Rules for finally bring it to the floor for a vote.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

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

Mr. Speaker, I rise in strong support of this bill for the reasons that were just enunciated by the gentleman from Texas (Mr. FROST) and the gentleman from Louisiana (Mr. TAUZIN). At a time when our economy is suffering and thousands of people are out of work, this is just the kind of measure that will help spark the new economy and new growth.

□ 1115

Today, fewer than 8 percent of Americans have access to broadband. In my home State of Michigan, many small businesses are without the high-speed Internet service that they need. This bill will help them do their business more efficiently and will help them prosper.

I might say, also, that our State, the State of Michigan, ranks among the lowest for access to broadband in homes and schools. Outdated government regulations have prevented those in rural areas, and even in the metropolitan Detroit area, from receiving high-speed Internet service. Meanwhile, decreasing investment in the telecommunications industry has put over a quarter of a million people out of work. The telecom industry has suffered over 10 percent of the layoffs that the Nation has experienced this past year.

Today we have an opportunity to reverse this downturn in our technological sector and provide hope for thousands of workers who rely on its growth for a steady paycheck. By creating more vibrant competition between cable and telephone companies in the rollout of broadband, it is estimated that this bill could boost our economy by as much as $500 billion per year and create over 1 million jobs in the technology sector. Accelerating broadband deployment in Michigan could boost our State's economy by over hundreds of billions of dollars over the next 10 years and almost 500,000 jobs.

I like those numbers. Those numbers mean good jobs and creating and diversifying the economy in the State of Michigan.

I want to vote for a bill that will provide jobs for working people. The Communications Workers of America have highly endorsed this bill, as have the AFL–CIO, because they know these are good jobs and many of them are good union jobs. I want to give more families the economic security that they

need, and I want to take action to boost our economic growth to ensure a better future for the people of Michigan.

I urge my colleagues, vote for this rule, vote for this bill, give our economy the jump start that it has needed and put our workers back to work.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I have to reluctantly rise in opposition to this rule presented by my leadership.

Chairman TAUZIN and I have a legitimate difference on policy grounds as to what the effect of this bill will be. We have had it for a long time, and I respect his views. He has been straight with me about what those views are, and we have been unable to bridge that policy gap. We differ on whether this bill will create jobs, whether it will bring competition, whether it will be good for rural areas; and this bill is strongly opposed by 90 percent of the public utility commissioners, by the rural utilities, by the long distance companies, by the competitive carriers and by the rural telephone companies.

There is a very important difference of opinion. Those organizations and the people I represent deserve a vote, a straight up or down vote, on the important public policy matters before us. I do not believe that this rule gives it to them.

The rule is very clever, but it is not fair. It is not fair to submerge a very important policy issue in a nest of amendments to amendments. That is not right. I do not believe this bill will bring competition. I do not believe it will build rural jobs. I do not believe it will give more choice to the people that I represent.

I had offered in the committee an amendment that I think would make this bill supportable, but that amendment is not going to be heard on its merits in an up or down vote, and it deserves that. For that reason, I will oppose my leadership and I will vote against this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose this rule. I also have very strong concerns about the underlying bill because this body is once again beating the drum to remove what nominal protection our constituents might have in the face of powerful monopolies. I do not know about your region of the country, but where I am from, every time Congress dismantles a regulatory scheme and hands it over to the private monopolies, my constituents take it on the chin. Airfares, cable rates, utilities, you name it, all have skyrocketed in recent years after Congress or legislatures decided that unregulated monopolies, rather than ratepayers, know best.

This bill poses a real threat to what meager competition we have been able to squeeze out of the Telecommunications Act of 1996. As my colleagues know, that act opened, or was supposed to, local markets to competition by requiring the four monopolistic, multibillion-dollar Bell operating companies to lease elements of their local telecommunications network to competitors on a cost-plus-profit basis. Competitors simply would not have had the ability to compete against the Bells' sheer financial power without that, but it never happened. Their infrastructure continues to dominate telecommunications today. I have no doubt that passage of this legislation could put over a hundred small companies out of business.

Yesterday, I met with employees of PaeTec Communications in my district of Rochester, New York. The energy, the creativity and, most importantly, the competition that these smaller companies provide are all that stand between our constituents and the unregulated monopolies. Tauzin-Dingell would be a lethal blow to scores of these small telecommunications companies who are still scratching to make inroads into the markets.

Of major concern to me, moreover, is Congress' willingness to undercut government bodies from doing their job to protect consumers. Take a look at section 4(a) of the bill. It says, ''Neither the Commission, nor any State, shall have authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high-speed data service, Internet access service.''

So no one, not you, not me, not local ratepayers, not State legislatures, not Governors, not the FCC, not the DOJ, has any authority to step in and prevent abuses.

My colleagues, this is an extraordinary hand-off of power and should give us long pause.

I hope that this rule will go down and, should it pass, please vote ''no'' on the underlying bill.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise for the first time in my life in opposition to a Republican rule.

Mr. Speaker, I am pretty sure that it was one of the name sponsors of the bill before us, and the Dean of the House, who once said words to the effect of, ''If you control the substance but I control the process, I'll beat you every time.'' If I am not quoting or attributing it correctly, I apologize, but whoever said that, that is what is being borne out today.

The rule before us has one simple purpose. It is designed to prevent a vote on any amendment not supported by the Bell monopolies. Granted, if one looks at the amendment list, they will see an amendment from me and the gentleman from Michigan (Mr. CONYERS), but another hostile amendment is made in order as a second-degree amendment in an attempt to prevent a vote on ours. An elegant gag rule is still a gag rule, and that is exactly what this is.

In a way, this rule is sort of a microcosm for the larger debate at hand. The Tauzin-Dingell bill and especially the Buyer-Towns amendment are designed to appear to give competitors fair access to monopoly facilities. It is only upon closer examination that one realizes that they are designed to shut competitors out. Similarly, this rule is designed to appear to give pro-competition Members a chance to offer an amendment, when in truth it does just the opposite.

Supporters of this rule argue that it is necessary to do this to avoid a situation where two contradictory amendments to section 4 of the bill are adopted. This is simply not true. The two amendments speak to different issues in section 4 and would be complementary if adopted.

So why is such a tortured rule necessary? The sponsors of this bill know that the vast majority of Members of this body are uncomfortable with the Tauzin-Dingell bill. Few Members understand it completely, but they have a sense that they may be giving away the store to the Bell monopolies. Given a chance, most Members would probably support some effort to preserve the investments people have made in competitive networks to avoid a complete remonopolization of America's telecommunications system.

So, sensing concerns about the substance, the bill's supporters have decided to rig the process. They have come up with a fig leaf of an amendment that essentially restates Chairman Tauzin's position as of December, which in turn reflects a proposal put forward by a Verizon executive last fall. They stack that amendment on top of my amendment to prevent a vote and thus give Members no outlet for concerns about the monopoly effect of the underlying bill. This is a disservice to the legislative process, to the Members of this body, and ultimately to the consumers of telecommunications services, our constituents.

Those who support a fair and open discussion of the significant issues at hand should oppose this rule; and, should it pass, those who support a fair and open telecommunications marketplace should vote down Buyer-Towns and support Cannon-Conyers.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I rise in opposition to the rule for the reasons that my colleague, the gentleman from Utah (Mr. CANNON), has outlined, that if Buyer comes up first and prevails, Conyers-Cannon never sees the light of day. So that is why a lot of people are joining in a bipartisan way to vote down the rule, because we want to just get the vote out. That is all we are asking for is a vote.

So the Bells, I will not say the Bells wired the Committee on Rules, because

they do not do such a good job anyway, but this is not the way to proceed.

There are a number of myths going on here. Number one, that there are between 1.3 million new jobs to be created under Tauzin-Dingell or 1.5 million as another leader states. New jobs, 1.5 million new jobs. By eliminating the CLECs, you will now get new jobs created. Not true. Not only will there be zero jobs created, we will lose jobs.

Number two, the Tauzin-Dingell bill will speed up rural deployment of the high-speed Internet. Great. Except the experts say no, just the opposite.

Number three, and I only wish my dear colleague and friend, the gentleman from Michigan (Mr. BONIOR), were here on the floor, but I am going to do this, anyway. Ask anybody in Detroit how great Ameritech's service is, and they will tell you, nine out of ten, that they keep raising the rates, the service is lousy, the CWA workers are picketing as I speak. It is all over television and the newspapers, I say to the gentleman from Michigan (Mr. UPTON). The relations are horrible. And now people are telling us about how we love the Bells in Detroit. Wrong, big-time, very much in error.

So, ladies and gentlemen, we are dealing with a bill that barely passed the Committee on Energy and Commerce, was voted out negatively in the Committee on the Judiciary. Now we ask for a simple vote on an amendment, and the Committee on Rules gives us, yes, if you can defeat another amendment before that, and if you do not, Conyers-Cannon, you do not even bring yours up, and they walk around saying, ''We got you an amendment in the Committee on Rules report.'' Thanks, Rules Committee, for all you have done to help further fair debate here.

So here we are dealing with the Bells, who want to repeal the 1996 portion, the most important part of the act. I hope that we will vote the rule down and vote the Conyers amendment up and, if necessary, the whole bill down.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. UPTON), a member of the committee.

Mr. UPTON. I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I would just remind my friend from Michigan that the CWA is in support of the legislation and I suspect the rule as well. I think that this is a fair rule.

I want to just go back in history for a moment and talk a little bit about this issue. This issue in the previous Congress I think had more than half the Congress as a cosponsor of the legislation; and, in fact, it is an improved bill from where we were a couple of years ago.

Let me also remind those folks in the Chamber and that are listening today as well that back in 1996 we lifted the regulations on cable; and, when that happened, the cable industry invested across the country some $50 billion to improve their systems, whether they be in Michigan or anyplace else in the country. The American public is pleased that that has happened in terms of the number of channels that are available, a whole host of things, as we look at what has happened with broadband, what is also called high-speed Internet access, that is available now.

This is a good rule. I commend the Committee on Rules. I also commend the Committee on Rules for making my amendment in order which says that the FCC, which complained bitterly over the last number of years that the fines were not high enough as they tried to impose some of the rules and regulations that were out there, that we wanted to do more than just a cost-of-business operation, and by allowing the Upton amendment as part of this legislation, I suspect that it will pass with a very strong margin, if not unanimous. We, in fact, strengthen this legislation; and I think that that is very important.

□ 1130

But as we look at the line-sharing amendment, the biggest amendments I would suspect that will be on the House floor this afternoon offered by the gentleman from Indiana (Mr. BUYER), this is an important improvement to the bill, because it in fact does allow the CLECs to have access to the ability to bring high-speed Internet access to the last mile in a much better fashion in fact than came out of committee; and I think it is an improvement to the bill, and I welcome the series of amendments that the Committee on Rules provided, and I thank them for their leadership and guidance as we see this legislation move to the floor.

The vote on the rule is important. It provides us legislation to get to the floor, obviously; and we then debate the amendments in the order prescribed. I urge my colleagues to support not only the rule, but the Buyer amendment, the Upton amendment, and, obviously, final passage when we get there later this afternoon.

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

Mr. MARKEY. Mr. Speaker, what I would like everyone to do is to think of the rule which we are debating as a metaphor, a metaphor for the way that the Bell companies view all competitors and competitors' ability to be able to reach the consumer.

The Committee on Rules has structured a rule that allows for all the votes the Bell companies want on their amendments, but it is going to wall out all the competitors, all the consumer groups, all the public utility commissioners from having a straight up or down vote on what they think is the important formula that would be put in place in order to protect consumers and competitors in the country.

A metaphor, because that is exactly what the substance of their bill does. It wants to wall out the competitors, wall out their ability to be able to reach consumers, wall out this pressure, this paranoia, that was induced in the Bells finally that they had to start moving on this new technology because they had other people out there. That is where this whole revolution came from, from the paranoia in the four companies.

So you have four companies, and, by the way, all of us only have one of them in our district, one, and then you have hundreds of other companies, Internet service providers, competitive local exchange companies, all out there. We call it the NASDAQ, if you are wondering why you never heard of it before 1997. It is all these companies that got created because of the 1996 Telecommunications Act.

So, this is a terrible rule. It does not allow anybody who is on the other side of the issue to get a straight up or down vote for consumers and for competitors. It is deliberately structured that way. It is a metaphor for how the monopoly sees all this issue. Not only do they have every American home wired, they have got the Committee on Rules wired. They are going to wall everybody else out. You cannot get in. And then there is this kind of pretend, oh, we will be fair, though. We will be fair. Where is the evidence we are not fair?

Well, of course, all the competitors are going to be posthumously vindicated, maybe someday in a court suit that is finally rendered, 5 years from now in bankruptcy court they will win something, but they will be out of existence, which is the dream of the Bells.

Now, I love these people that work for the Bells, they are good people, but that is an old way of looking at the world. They should be able to compete. They should be glad their competitors are there, because they have been forced to deploy tens of billions of dollars of new DSL technology.

Vote ''no'' on this rule. It will only take an hour to send it back up to the Committee on Rules, 1 hour. Then they will put our amendment in place so that all the competitors and consumers have a shot at it. One hour is all this it is going to take, and make it fair.

Everyone here has listened to Dingell-Tauzin, Dingell-Tauzin, for a year and a half; and the day of reckoning arrives, and the Bells do not want us to vote on the other side of the issue. So everyone here has already taken all the contributions from everybody on both sides. Now it is time to learn what the issue is, and the Committee on Rules has made it impossible to have a real debate.

Vote ''no'' on this very unfair rule.

Mr. LINDER. Mr. Speaker, at this time I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise in opposition to this rule and to this bill.

In 1996, the big phone companies came to Congress and they asked to be deregulated. They promised that if we did so, they would provide better service and more competition. My constituents know that what has happened to telecom services since 1996 has not been good. We are not better off. We cannot read our phone bill, cable rates have skyrocketed, and neither Congress nor the administration seems to care.

Phone service is not better than it was in 1996. Michigan residents experienced a nightmare of waiting 30 to 45 days or more for service, and it took action by our State legislature to remedy that problem.

Competition is not better than it was in 1996. The big companies do not let competitors in. They would rather pay the fines. It is just a cost of doing business for them.

Now the phone companies come to Congress and say that if we will relieve them of their responsibilities under the 1996 act, they will improve Internet service and increase competition. In fact, passage of this bill will push other providers out of business, reducing choices and raising costs for the consumer.

This is not about what is good for the consumer; it is about what is good for big phone companies. The Baby Bells have broken their promise to comply with the 1996 law. That act was a compromise. It offered all parties opportunities and obligations. The big phone companies want the opportunities, but they want to be able to avoid their obligations.

The Federal Communications Commission has tried to make the big phone companies comply with the law. The Michigan Public Service Commission has tried to make the big phone companies comply with the law. No one has been able to make the big phone companies comply with the law. And now these same companies want a chance to do to the Internet what they have done to phone service. They say that if they get this new law, things will be better for Internet users. I do not think so.

I think H.R. 1542 is bad for consumers, bad for Internet service, bad for competition, and newspapers have editorialized against it all over the country. This bill is bad for my constituents. This is a bad rule to protect a terrible bill. Vote ''no.''

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. DAVIS), a member of our leadership.

Mr. TOM DAVIS of Virginia. Mr. Speaker, despite my deep respect for the chairman of the Committee on Energy and Commerce, I have to rise today to voice my continued opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act, and my opposition to allow efforts such as the amendment offered by my good friend, the gentleman from Indiana (Mr. BUYER), which claimed to resolve the concerns put forward over the past year by myself and other Members regarding the anticompetitive impact of the legislation. Both H.R. 1542 and the Buyer-Towns amendment kill competition, plain and simple. A vote for either of them is a vote against the competitive environment that we set out to create when we passed the Telecommunications Act in 1996.

Litigation brought competition to the long distance market, and similarly the 1996 act marked our recognition that innovation stimulated by competition was critical to bringing advanced technologies and services to the local market and, therefore, to consumers. Remember that DSL broadband technology has been available to Bell companies since the mid-1980s. It is only with the passage of the 1996 act and the resulting threat of competition that we actually saw DSL being deployed.

The act prescribed this recipe for local telecom competition through a carefully crafted dynamic that gives competitors access to the local network, an infrastructure built by nearly a century of guaranteed monopolistic profits; and in return the act deregulated the regional Bell companies by allowing them to compete in the long distance market from which they had been barred under the 1984 antitrust settlement with AT&T.

The strategy was simple and should remain so: offer the Bell companies an incentive to open their local monopolies so that conditions for market competition in the local loop will flourish and prices will drop. That incentive is deregulation. At this time, the incumbent carriers possess monopolistic control over 90 percent of their markets nationwide. Clearly, competition in the local markets targeted by the 1996 act has not yet arrived.

Unfortunately, H.R. 1542 and the Buyer-Towns amendment each accomplish the same objective. They irrevocably defeat the purpose of the 1996 act by destroying the efforts made since then to bring competition to the local telecommunications market. With little competition in the space that brings wire digital services into homes and businesses, there will be no competitors or forced markets to push the widespread and competitive provision of broadband markets.

I urge my colleagues to vote to retain competition, ensure that competitors have a chance to compete under the same rules that have promoted competition for the last 6 years.

Let us be clear: the Buyer-Towns amendment destroys that framework. The Cannon-Conyers amendment, on the other hand, keeps that competition alive. Vote ''no'' on Buyer-Towns, and ''yes'' on the Cannon-Conyers amendment.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Texas, and the dean of our delegation, for allowing me time to speak on the rule.

I rise in strong support of the rule and H.R. 1542, the Tauzin-Dingell bill. I support the rule even though my colleague and I, the gentleman from New Jersey (Mr. MENENDEZ), were denied an amendment that we had on the bill that would have provided additional reporting requirements, because one of the concerns we have is that there are people in this business who want to cherry pick and not serve the underserved areas like I represent and the gentleman from New Jersey (Mr. MENENDEZ) represents. I understand the rules process, and my amendment was not made in order; but I still strongly support the rule and the bill.

I have been to the work sites and seen the competition that is there now, and I also see the rules that our local phone companies have that they cannot compete with. America needs more competition in the broadband marketplace to challenge the dominant cable companies.

H.R. 1542 provides this regulatory relief. It allows for our local phone companies to increase the investment and also to make it more affordable for our own constituents to be able to get this service. This bill will speed the broadband deployment in traditionally underserved areas similar to the area I am honored to represent. That is why we need to pass it today.

Mr. Speaker, in closing, I support the rule and the underlying bill, and I urge my colleagues to support both of them.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the legislation that we are about to debate today has been a long time in coming. As I read my letters of support and opposition, there are many people who, on both sides of the issue, ultimately hope that we will have a very positive compromise for what is a good premise in the Tauzin-Dingell bill, and that is for access to DSL for all Americans. I applaud that, and I applaud the framework that will help us reach that goal. Additionally, I might add that I am pleased to see the number of amendments that were made in order.

But I would raise a question of when we begin to talk about changing the face of America with respect to DSL, we should enhance the opportunity for discussion and debate, and we should always respond to the needs of competition.

My amendment that had to do with making sure a study would be rendered by the FCC should have been made in order to determine, Mr. Speaker, the fact of whether or not this language in this bill is working.

In addition, as I close, simply, Mr. Speaker, it would be important for us

to have an assessment of whether or not urban and rural communities, inner-city communities, libraries, schools, African Americans and Hispanic-serving institutions were also being connected to the DSL.

I hope as we debate this on the floor of the House these issues will be addressed, and I hope ultimately we will have the answer of broader and expanded competition as we move this legislation forward.

Mr. LINDER. Mr. Speaker, I am pleased to 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. Mr. Speaker, I stand here to support the rule. Obviously, I serve on the Committee on Commerce and the Subcommittee on Telecommunications. But I say to my colleagues, the gentleman from Louisiana (Mr. TAUZIN) has waited many, many months. This passed out of our subcommittee. It was controversial. There is one particular amendment that could have killed the bill. But it finally came out of our committee, and I think the time is now that we should bring it on the House floor and have a full debate.

If it turns out this bill is defeated, the gentleman from Louisiana (Mr. TAUZIN) will move on. But if the bill is passed, the Senate, under Mr. HOLLINGS, is going to have to look at this bill carefully. Right now he is not doing that. But we cannot have this debate in America if we do not pass the rule. So I urge my colleagues to pass the rule.

A lot of people have talked about the economy. This is a big-box economy. The NASDAQ has dropped dramatically, and part of it has been because the potential for broadband has not been met. If this in some small way moves the economy forward by giving high-speed Internet access service to Americans, then so be it. Right now cable has it. Perhaps we need competition for cable, and this would do it.

So the lack of availability of high-speed connection has, I think, in fact slowed the growth in this economy and shunted off development. We can see a lot of new things happen if we can get broadband jump started, and I think Tauzin-Dingell is moving in that direction. However, there are several amendments that are going to be proposed, one in particular, the Buyer-Towns amendment, which I think is a good compromise.

So I think we have an opportunity to amend this bill, and in the end I think my colleagues will realize it promotes competition, it promotes choice and innovation.

□ 1145

That is why I support the rule and I look forward to the debate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, anybody who has been in this place for more than 2 weeks and knows the phone number of the Parliamentarian could easily have found out that the rule before us is an eminently fair rule. Indeed, it is a conventional rule. It is one which allows the proponents of Cannon-Conyers to offer their amendment. It allows those who do not quite agree to it to offer a different amendment as a substitute. And under the normal Rules of the House of Representatives, I will tell my good friends and colleagues who are on the other side it then allows the first vote on the substitute so that the amendment offered by Cannon-Conyers, which, by the way, is very similar to one rejected by the Committee on the Judiciary, can then be first perfected.

To my good friends who support Cannon-Conyers, I will simply observe, if you win, you will get your vote; if the House wants you to have a chance to prevail, you will, and you will then have a chance to offer your amendment. You will, in any event, be able to offer your amendment and have it considered by the House and debated.

Mr. Speaker, this is the normal process under which the House considers legislation.

So I would urge my colleagues to recognize that this is a fair rule. It is a conventional, traditional rule, one of the kind which has always been offered and which is viewed in the 200 and more year history of this institution as a fair and proper way in which the business of the House of Representatives should be conducted.

Now a word about the legislation. The legislation is very simple. There has been a great deal of whining and complaining by a group of monopolists, would-be monopolists and parasites who do not want the legislation. The reason they do not want the legislation is it lets everybody compete in, guess what, Internet and broadband. It requires the broadband to be made available to the entire country within 5 years. The United States is now behind the whole world, the industrial world, in making broadband service available to our people. The investment in it is being strangled. This bill permits everybody to get in and to invest and compete.

The House, in 1996, made the judgment that we were going to encourage the widest use of telecommunications and access to the information super highway, the intellectual highway, by allowing the fullest possible competition. We do not affect local net and long-distance for voice competition. We affect here only the Internet. This is opposed, as we might expect, by AT&T, which just wants to continue its ancient and special privilege. But it is supported by the AFL–CIO, the CWA, and others who want to see to it that we get the service that we need for our people in this area.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

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

Reluctantly, I rise to oppose this rule. I am disappointed in it. This is a piece of legislation about which there is legitimate disagreement. Some believe it will enhance competition, and their belief is genuine and sincere, but others believe it will not. Many of us believe that it will indeed hamper competition and that we will have a further strengthening of the existing Bell monopolies. But that really is not the issue that is fundamental to the rule.

The issue that is fundamental to the rule and the reason I oppose it, and I urge my colleagues in the strongest possible terms to vote against this rule, is that it is fundamentally unfair. With this rule what happens, which is sad and which is unfair, is that we deny the opponents of this legislation a fair up-or-down vote.

Now, it is true that often legislation is brought to the floor and that those who want to improve it are allowed to offer a manager's amendment to improve it. But in this instance that is not what is happening. Instead, what is happening is that the improving amendment is being offered as a second-degree amendment. That is a perfectly good structure in one sense in that it will allow people to vote on that second degree amendment, but it is not the norm, and it is not what will allow people to have a chance to vote up or down on an amendment that would call for true competition in the form of line-sharing. It is sad to me, it is disappointing to me, that the opponents of this bill do not get a fair chance to voice their view.

Now, also under this rule I will note that at least two-thirds of the time is being given to advocates of the time, while it appears less than 10 minutes, maybe at best 10 minutes, will be given to those who oppose the bill. I believe that is another defect in this rule which we ought to be concerned about.

For those who are concerned about competition, for those who favor markets, for those who oppose monopolies, and for those who support fairness, I urge my colleagues, please follow this debate and please vote against the Buyer amendment. Though its authors believe it will allow competition, it will not, in fact, do so. Vote for the Cannon amendment, and vote ''no'' on this rule.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of this rule and appreciate the consideration the Rules Committee has given the Judiciary Committee. This Rule recognizes the Judiciary Committee's important and historic role with regard to telecommunications policy, particularly as it relates to issues involving competition, by providing 20 minutes of general debate equally divided between myself and the ranking member of the Judiciary Committee.

Upon adoption of this rule, two amendments negotiated between myself and Chairman

TAUZIN will be incorporated into this legislation. These amendments, which will significantly improve the bill, are the result of spirited negotiations that the Speaker requested we undertake. Although the negotiations were at times difficult, both sides worked in good faith to reach a final compromise which helped pave the way for today's floor consideration.

The first amendment provides that, not less than 30 days before offering interLATA high speed data service or Internet backbone service in an in region State, a Bell operating company shall submit to the Attorney General a statement expressing the intention to commence providing such service, providing a description of the service to be offered, and identifying the geographic region in which the service will be offered. This statement shall not be made public except as may be relevant to any administrative or judicial proceeding.

This amendment is important because of the long and checkered antitrust history of the telecommunications market. H.R. 1542 would eliminate the need to go through a regulatory process in deploying broadband, as the RBOCs will continue to be required to do for telephone services, and this amendment mandates that the antitrust enforcers at the Department of Justice will get 30 days notice before such service is offered.

The second amendment provides that the savings clause found in section 601(b) of the Telecommunications Act of 1996 shall be interpreted to mean that the antitrust laws are not repealed by, not precluded by, not diminished by, and not incompatible with the Communications Act of 1934, this Act, or any law amended by either such Act. This amendment, a version of which was adopted by the Judiciary Committee, is a response to concerns raised about any conflicting, confusing, or contradictory language found in the Seventh Circuit Court of Appeals opinion in *Goldwasser* v. *Ameritech Corp.,* 222 F. 3d 390 (7th Cir. 2000). In *Goldwasser*, the Seventh Circuit Court of Appeals construed the savings clause found in section 601(b)(1) (47 U.S.C. § 152 note) of the Telecommunications Act of 1996 (P.L. No. 104–104, 110 Stat. 56).

Mr. Speaker, many Members have labored on these issues and I appreciate their work, particularly the efforts of Chairman TAUZIN. I support the rule and yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

Mr. LINDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 142, not voting 10, as follows:

[Roll No. 42]

YEAS—282

Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Jo Ann
Deal
DeLay
Diaz-Balart
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Everett
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Payne
Pence
Petri
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stump
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wynn
Young (FL)

NAYS—142

Abercrombie
Allen
Andrews
Baird
Barrett
Bartlett
Becerra
Berkley
Berman
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Capps
Capuano
Carson (OK)
Clayton
Condit
Conyers
Costello
Coyne
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley
Doyle
Edwards
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Flake
Frank
Gephardt
Goode
Harman
Hefley
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kucinich
LaFalce
Lantos
Larson (CT)
Leach
Lee
Lipinski
Lofgren
Lowey
Luther
Lynch
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
Meehan
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pelosi
Peterson (MN)
Phelps
Pickering
Pitts
Pomeroy
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Schaffer
Schakowsky
Scott
Shadegg
Shays
Sherman
Skelton
Slaughter
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wilson (NM)
Wolf
Woolsey
Wu

NOT VOTING—10

Baldacci
Cubin
Gilman
Hayes
Mollohan
Myrick
Paul
Peterson (PA)
Traficant
Young (AK)

□ 1215

Ms. CARSON of Indiana changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: Rollcall vote 41, on approving the Journal, I would have voted "yea." Rollcall vote 42, on providing consideration of H.R. 1542, I would have voted "yea."

□ 1215

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1542.

The Chair designates the gentleman from Texas (Mr. BONILLA) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.