

Indeed, one-half of the top 25 recipients of United States' arms in the developing world are undemocratic, according to the United States State Department's own record. I think that is an unfortunate commentary. And I will be offering an amendment later in this debate, with my good friend, the gentleman from Iowa (Mr. LEACH), who chairs our Subcommittee on International Affairs on Asia, to divert \$250 million from the military aid to put it in assistance that would make a difference for foreign countries around the world to deal with the fact that there are a billion people around the world who live on a dollar a day or less; that every 15 seconds, a child dies from waterborne disease. Indeed, one-half of the people who are sick today anywhere around the world are sick needlessly from waterborne disease.

This Chamber, last year, supported bipartisan legislation, the Water for the Poor Act, named after our colleague, Senator Paul Simon, that has the potential of being transformational for these people. But what we need to do is to invest money to make that the case. So I am going to strongly urge that my colleague look at this proposal, much to be commended, but to look at one specific adjustment, putting money away from arms to undemocratic areas where, frankly, it is not the highest priority, and, instead, invest 250 million additional dollars for this critical economic and development aid.

Remember, last year, in the total budget for the entire world dealing with this problem of waterborne disease, the entire budget was only \$200 million, after we had worked and worked and worked. This budget currently only provides \$50 million. We can do more, and I strongly urge consideration of the Leach-Blumenauer amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4 minutes to my good friend 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. I know that there will be a general debate, but I want to take this opportunity to acknowledge one of the best working teams that we have in the House, and that is the team of LOWEY and KOLBE on Foreign Ops. And I want to take this time on the rule to thank Mr. KOLBE for his spirited commitment to Africa and developing nations and his partnership with Mrs. LOWEY, who always finds a basis of resolve and, if you will, a solution. So we thank you, and I pay this tribute to Mr. KOLBE on what I believe will be his last Foreign Ops bill.

But I agree with Mr. HASTINGS in suggesting that foreign ops is our face to the world. And with his experience

of traveling on behalf of this Nation, I am saddened by what the appropriators have had to do in this foreign ops bill, because we have turned our backs somewhat on the world.

We can applaud the special forces as our gun and the bringing down of Zarqawi, but really diplomacy and government and governance is going to win the war in Iraq. So it is important that we have investment in those kinds of issues.

Let me speak specifically to the question of Sudan. And although we realize that in addition to the Darfur issues, there are rebel issues, and rebels play a part in the conflict, it is the government of Sudan that needs the overcoming of its attitude of disingenuousness in not paying attention to finding ways to resolve the conflict. I would hope that an amendment, or at least language that I have that focuses on Chad, and realizes that the burden of refugees needs to have additional funding and focus so that the Sudanese situation can move forward, I hope we will have an opportunity to debate that amendment and also include that language but, more importantly, as we move to the Senate, have funding for Chad.

I hope we will also recognize that Afghanistan is really the war we can win. Finding now Osama bin Laden, but more importantly, investing into the regional reconstruction plan so that we can have more schools and hospitals and infrastructure for a country that has absolutely nothing, yet its people are inclined to move enthusiastically towards democracy. President Karzai represents stability, and we need to invest more in the reconstruction of Afghanistan.

Then I hope that we would have the opportunity to address the question of what we call codes of conduct in many of our Islamic countries who overlook the rape of women, gang rapes in fact, where the nations condone the rape to the extent that they allow the cultural mores to exist over the safety and security of women. We have seen this happen throughout the Islamic world, where there are gang rapes and no prosecution.

It is extremely important that we focus on these tragedies that are occurring, and they occur in countries that happen to be our allies. So I hope that language on that will be accepted to respond to the rape and pillage of women without any protection whatsoever.

I would also add to the Afghan funding is the necessity of protecting the parliamentarians. There is a democratically-elected government in Afghanistan with a large percentage of women parliamentarians who are fearful of going back to their districts. They need security, and that should be the face of the foreign appropriations as well. Meeting with them in Afghanistan just recently, they begged us to provide them with security, security, security.

So let me thank the appropriators for doing the best that you could do, but,

unfortunately, it does not help the face of America to cut in such crucial areas as have already been mentioned. But in any event, I hope we will have the ability to improve on this in the Senate and as well to not turn our back on the ways that we can add to democratization and add to the security of the world.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank my good friend, Mr. HASTINGS, and all who have participated in this debate. We are very proud to bring forth this appropriation bill with an open rule. Very proud of the underlying legislation, with over \$21 billion in assistance for countries throughout the world to help with disease and with poverty.

The American people are very generous, year after year after year, and I am very proud to be a Representative here in this House of that generous people.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 850 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 850

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. 5252) to promote the deployment of broadband networks and services. 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 chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such 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, 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 amendments 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.

□ 1115

UNFUNDED MANDATE POINT OF ORDER

Ms. BALDWIN. Mr. Speaker, I make a point of order.

Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against consideration of the rule, H. Res. 850. Page 1, line 7, through page 2, line 1, states: "All points of order against consideration of the bill are waived."

The rule makes in order H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006, which contains a large unfunded mandate on State and local governments in violation of section 425 of the Budget Act. Section 426 of the Budget Act specifically states that the Committee on Rules may not waive section 425; and, therefore, this rule violates section 426.

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentlewoman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentlewoman from Wisconsin.

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

Mr. Speaker, in January of 1995 in the first few weeks after the Republicans took control of this House for the first time in 40 years, they passed a bill they proudly called the Unfunded Mandates Reform Act.

The goals of this bill, they argued at the time, were honesty and accountability. It would force the Congress to publicly acknowledge when it passed legislation that imposed large, unreimbursed uncompensated costs known as unfunded mandates on State and local governments.

As our former colleague and current director of the Office of Management and Budget, Rob Portman, said during the debate back in 1995, "No significant unfunded mandate can now go through Congress without Members having to vote up or down in the public view."

But here we are 11 years later and the tables have turned. My Republican colleagues are bringing to the floor a bill

that imposes hundreds of millions of dollars of unfunded mandates on communities across this country whose local public, educational, and government accessible channels, known as PEG access channels, as well as institutional networks known as I-Nets, over which our police, fire and emergency communications often travel, will be gutted by the legislation we are considering today creating a national cable franchise system.

As provided under the rule, H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act, also known as the COPE Act, would limit available support for PEG access channels to a maximum of 1 percent of an operator's gross revenue, less than what many communities receive today. This legislation's one-size-fits-all approach fails to keep communities financially whole.

Local cable franchises are long-term contracts signed between a cable operator and a community, and some go as long as 15 years. Yet this bill allows cable operators to walk away from those signed and sealed contracts, causing the city to lose long-term revenue it expected to get under those contracts.

Many communities have made the decision in their local franchises to require more than 1 percent worth of PEG and I-Net support more than would be available under COPE. In those communities that make robust use of these resources, enactment of this bill may result in the loss of up to 67 percent of their budgets for these important and crucial services.

Indeed, according to the Congressional Budget Office's cost estimate for the bill, by prohibiting local franchising authorities from charging cable providers more than 1 percent of their gross revenues to provide PEG programming, enacting COPE would lead to a loss in State and local revenues estimated to be between \$150 million and \$450 million by 2011. Even with projected offsets from other provisions of the bill, the Congressional Budget Office estimates that the net cost of this mandate would likely fall between \$100 million and \$350 million per year by 2011.

Because of CBO's conclusion that the annual cost of this mandate over the next 5 years will exceed \$64 million, which triggers the unfunded mandate law that Republicans so proudly backed in 1995, I am raising this point of order against the rule.

The fact is that the rule waives all points of order against this bill. The Budget Act specifically says that the Committee on Rules cannot waive points of order against unfunded mandates, yet the Republican leadership ignores this. So in the spirit of the debate in 1995, I am raising this point of order that will force us all in the public view to vote up or down this unfunded mandate.

During these really challenging economic times with very tight local and

State budgets, how many States and localities can afford this? Local programming and police and fire communications traffic supported by I-Nets should not be allowed to be diminished through the passage of this bill. Yet because of this unfunded mandate, the city of Madison in my own congressional district will see losses in the tens of thousands of dollars per year, while larger franchises such as that in Montgomery County, Maryland, will suffer almost \$2 million in losses.

Mr. Speaker, I will submit for the RECORD a chart compiled by the Alliance for Community Media detailing how 45 local franchising authorities in 13 States will lose huge percentages of their annual PEG funding under the COPE Act.

During the committee markup of H.R. 5252, and subsequently at the Committee on Rules, I offered an amendment that would have remedied this problem. In addition to the option of a PEG fee based on 1 percent of the cable operator's gross revenue, my amendment allowed the franchising authority to continue requiring cable operators with a national franchise to pay a fee equivalent to the value on a per subscriber, per month basis of all PEG support currently provided by an incumbent cable operator in a franchise area pursuant to that incumbent's existing franchise agreement.

This hold-harmless approach would have ensured the current level of PEG funding that was in no way diminished by the transition from local to national franchise systems.

Under my amendment, the new national cable franchisee will not pay a single cent more than what the current incumbent cable providers are already paying. More importantly, my amendment would have eliminated this unfunded mandate that will cost local communities hundreds of millions of dollars. Unfortunately, my amendment was not allowed to come to the floor for a vote under this restrictive rule.

Mr. Speaker, if this legislation passes, the diverse and vibrant offerings of public access channels on cable television will face enormous challenges.

I want to talk a little about the importance of PEG access channels as communities' resources. There are over 3,000 PEG access centers across the country today representing 3,000 channels, 250,000 organizations and 1.2 million volunteers.

According to a survey of the National Association of Telecommunications Officers and Advisors, 73 percent of communities with PEG capacity receive financial support from the cable operator under terms of the local franchise over and above the franchise fee. Whether it is in the form of an annual fee, a one-time grant, or use of a building or equipment, or a per subscriber fee, such resources are used to support the needs of local PEG communities in their production of local programming. These resources are used by schools for

distance education, by our locally elected officials to improve governmental services and enhance democratic discourse, and by our communities as the last source of free speech over the medium of television.

My congressional district in Wisconsin has one of the most diverse, enriching, and vibrant public access communities in the Nation. For over 30 years, Madison City Channel has helped connect Madison residents with their local government in much the same way C-SPAN allows our constituents to follow our actions here in Congress. Madison City Channel has provided that window into the workings of county and city governments, the levels of government that most directly impact the lives of our constituents on a daily basis.

In addition, the school district operates two channels that feature a variety of school board meetings and forums, as well as interviews with school board members and administrators and sporting events. The channel also features student music events, math and science fairs, and news programming.

PEG channels from the city of White-water in my district feature not just local election coverage, meetings of the city council and school board, but also programming produced by the local United Way, the Historical Society, and five local churches, among others.

Overall, the 80-plus PEG access channels in Wisconsin perform invaluable services on a daily basis commercial free, with the sole basis of informing and educating our citizens.

Diversity of programming and coverage are found in communities across the country. I want to note that in addition to coverage of government and educational affairs, different communities adopt various genres of programming to reflect their local interests. For example, religious programming represents 20 to 40 percent of programming in most public access centers, according to a survey of the National Association of Telecommunications Officers and Advisors. And "Army Newswatch" is the most-syndicated program on PEG channels, with carriage on over 300 PEG channels nationwide. I know that many Members of Congress host their own public access shows on PEG channels to reach out and connect with their constituents.

Preserving PEG funding is about preserving the local flavor and diversity of community voices. It is about transparency and accountability in our local government, and it is about strengthening the sense of shared neighborhoods and communities.

Mr. Speaker, the House can either choose to consider this rule in spite of COPE's unfunded mandate; or it can send this rule back to committee, make my amendment in order, and eliminate the unfunded mandate upon which this point of order is predicated.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the question before us is not whether we should eliminate any mandates, but whether we should consider this bill at all.

The one thing that is clear is that we need national video competition. Prices will fall and consumers will benefit.

The opponents of this legislation would have you believe that the current locality-by-locality method of video franchise helps consumers. The track record is just the opposite. Consumers benefit when there are low barriers to entry for competition.

The distinguished proponent of this point of order wants to keep those barriers in place. If you vote against this question, you are voting not to proceed with consideration of the rule and of the bill. That means you are voting to deprive the American consumer of video competition, lower prices, and new services.

Americans who are demanding this competition for these services. We need to move forward with this bill and with this rule so that we can debate the best ways to deliver what our constituents are asking for. I encourage my colleagues to oppose this maneuver and vote "yes" on the question of consideration.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Speaker, next week the President of the United States is expected to sign in the Oval Office or the Rose Garden a bill that increases fines for utterances of an obscene nature over the public airwaves. That is Chairman UPTON's bill, and I am a sponsor and strong supporter of it.

□ 1130

If C-SPAN were over the public airways and not cable, I would probably be the first victim fined, the first violator of that bill because of my reaction, not to the gentlewoman's point of order, which is within the rules of the House, but because of the underlying premise that the Congressional Budget Office has propounded that there is an unfunded mandate in this bill. The thing that I can say that is printable is that is hogwash.

Now, we went down to the dictionary that is always here in the House of Representatives and looked up the word "mandate." The number one definition, a command to act in a particular way on a public issue. That is the number one definition for mandate in that dictionary: a command to act in a particular way on a public issue.

Now, if the bill before us had told the cities that they had to provide cable service themselves to every citizen in their community and not compensated for it with Federal dollars, that would be a mandate.

If the bill had said that every Member of Congress in the House and the Senate had to be provided an office with a television studio by the cities, that would be a mandate; and it would be unfunded. It is not in this bill.

What is the Congressional Budget Office definition of an unfunded mandate? It is an Alice in Wonderland definition. It is a reverse definition. Here is what the bill actually does: it says every city that is currently collecting fees gets to continue to collect those fees, or it can negotiate a better deal if they want to. It says that every new entrant that wants to get the so-called national franchise, if they let the city know that they want to provide video services to that city, they have to pay that city up to 5 percent, plus an additional 1 percent for all of these PEG channels, public education and governmental channels, that the gentlewoman from Wisconsin was just talking about. It says these new entrants have to pay that.

There are studies out that says because of this provision that these new entrants are going to have to pay the cities additional revenue; that the cities, in total, may get up to 40 percent or more of additional revenues, more money not less money. That is not an unfunded mandate. That is what we in Texas call found money. Oh, here's another \$150,000 for next year, or two million or whatever it is.

The bill before us allows the cities to charge an additional 1 percent. I didn't want to do that. I was opposed to that. But Mr. UPTON and some of my friends on the Democratic side that were negotiating on the bill thought that was a fair thing to do. And so it is in the bill. If there is one thing that I am sure of, it is that there is no unfunded mandate in this bill.

Now, I will tell you how energized I am about this. I am going to go out and draft me a CBO reform bill and I am going to introduce it and I am going to get the committee of jurisdiction, which I think is the Budget Committee, to try to hold a hearing on it or move it or do something about it. I am tired of a CBO that looks like an Alice in Wonderland operation.

If there really were an unfunded mandate in this bill, I would oppose it. But there is not. And so I strongly, I respect the rights of the minority to use every parliamentary procedure they have, and the CBO did issue a report that does say there is an unfunded mandate. That is a true statement. But what the CBO calls an unfunded mandate is absolute hogwash.

So I oppose this point of order, and hope that we will sustain the underlying rule and move forward on the base bill and have an honest debate on the merits of the bill later this afternoon and tomorrow.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I would just like to say, just to correct the

record, I was not a big supporter of this 6 percent from the beginning. And I can point the finger at others. I was not the instigator of this. However, it is part of the bill. And, in fact, a study was put out that, according to the Phoenix Center for Advanced Legal and Economic Public Policy Studies, indicates that competition and the rise in the number of cable providers will cause total cable industry revenues to go up such that the 5 percent franchise fee, along with the 1 percent increase for the PEG channels, will see revenues increase by as much as 30 percent.

Now, I might note, where does that 30 percent come from? It comes from us, the consumers. It is passed along. So the cities are going to actually increase revenue. They are going to still maintain the control of the right-of-way, as they should.

I don't know where the CBO came up with this study. I know that I am told that they conferred with our staff. They obviously didn't listen very well.

I look forward to cosponsoring the legislation along with Chairman BARTON. I think that this does need to be addressed.

CBO, I think, in addition, made another major mistake on the transition to digital bill that the President signed into law earlier this year when they calculated that the sale of the spectrum, the analog spectrum, would bring in only \$10 billion when, in fact, we saw some private studies that it might be as much as \$20 billion.

So, again, Mr. Speaker, I would ask my colleagues to support the Rules Committee and deny this motion.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I am glad we had this opportunity. I think it is appropriate for the minority to use the rights available to it. It is part of the democratic process, very proud of that, zealously need to defend that.

At the same time, it is important for the facts to come out, and Chairman BARTON has explained how this bill provides the cities with an option to get another percent, to charge a fee of another percent that they can't charge under current law. That sounds to me like more funds than less. And yet it is called an unfunded mandate.

Mr. Speaker, I yield the remainder of our time to Chairman BARTON.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1¼ minutes.

Mr. BARTON of Texas. Mr. Speaker, let me just recapitulate. Under current law, if you are a satellite provider, you don't have to pay any franchise fee, any at all. Now, if you are a landlocked cable provider, you do have to pay some of these fees. They can be up to 5 percent, and they can charge some in-kind contribution for these pay channels. That is current law.

Under the pending bill, if it were to become law, you get the existing franchise fees that are paid by the incumbent cable provider, plus the city can charge a 1 percent fee to the incumbent

plus these new entrants are going to be automatically assessed up to 5 percent plus an additional 1 percent unless the city makes a different deal. Okay?

Cities are going to have more money, more revenue sources. And the independent studies that have already come out say that, in most cases, city and local revenues are expected to grow as much as 30 percent. And I think they may be even higher than that.

Ladies and gentlemen, that is not an unfunded mandate. That is not an unfunded mandate. So I strongly oppose this point of order and hope that we sustain the base rule and move forward to debate the underlying bill.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Speaker, parliamentary inquiry.

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

Mr. MARKEY. Mr. Speaker, under the rules, is it the Congressional Budget Office that determines whether or not an item is an unfunded mandate or not?

The SPEAKER pro tempore. Section 424 of the Congressional Budget Act does provide for estimates by the Congressional Budget Office of unfunded mandates.

Mr. MARKEY. And in this instance, has the CBO not determined that there is an unfunded mandate that could be upwards of 500 million to 1.5 billion on cities and towns over the next 5 years?

The SPEAKER pro tempore. The issue of the estimate may be addressed in debate. The point of order was made against the resolution for waiving any point of order under the Congressional Budget Act, as provided by section 426 of such Act.

Mr. MARKEY. Mr. Speaker, is there anything left with the Contract With America? Is that an appropriate parliamentary inquiry?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

All time having expired, pursuant to section 426(b)(3) of the Congressional Budget Act of 1974, the question is: Will the House now consider the resolution?

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

Ms. BALDWIN. 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 254, nays 166, not voting 12, as follows:

[Roll No. 235]

YEAS—254

Aderholt	Bachus	Barrow
Akin	Baker	Bartlett (MD)
Alexander	Barrett (SC)	Barton (TX)

Bass	Gohmert	Osborne
Bean	Goode	Otter
Beauprez	Goodlatte	Oxley
Biggart	Granger	Paul
Bilirakis	Graves	Pearce
Bishop (GA)	Green (WI)	Pence
Bishop (UT)	Green, Gene	Peterson (PA)
Blackburn	Gutknecht	Petri
Blunt	Hall	Pickering
Boehlert	Harris	Pitts
Boehner	Hart	Platts
Bonilla	Hastings (WA)	Poe
Bonner	Hayes	Pombo
Boozman	Hayworth	Porter
Boren	Hefley	Price (GA)
Boswell	Hensarling	Pryce (OH)
Boucher	Herger	Putnam
Boustany	Higgins	Radanovich
Boyd	Hinojosa	Ramstad
Bradley (NH)	Hobson	Regula
Brady (TX)	Hoekstra	Rehberg
Brown (SC)	Hostettler	Reichert
Brown-Waite,	Hulshof	Renzi
Ginny	Hunter	Reynolds
Burgess	Inglis (SC)	Rogers (AL)
Burton (IN)	Inslee	Rogers (KY)
Buyer	Issa	Rogers (MI)
Calvert	Istook	Rohrabacher
Camp (MI)	Jenkins	Ros-Lehtinen
Campbell (CA)	Jindal	Ross
Cannon	Johnson (CT)	Royce
Cantor	Johnson, Sam	Ruppersberger
Capito	Jones (NC)	Rush
Cardoza	Keller	Ryan (WI)
Carter	Kelly	Ryun (KS)
Castle	Kennedy (MN)	Sánchez, Linda
Chabot	King (IA)	T.
Chandler	King (NY)	Saxton
Chocola	Kingston	Schmidt
Coble	Kirk	Schwarz (MI)
Cole (OK)	Kline	Scott (GA)
Conaway	Knollenberg	Sensenbrenner
Crenshaw	Kolbe	Sessions
Crowley	Kuhl (NY)	Shadegg
Cubin	LaHood	Shaw
Cuellar	Latham	Shays
Culberson	LaTourette	Sherwood
Davis (KY)	Leach	Shimkus
Davis (TN)	Lewis (CA)	Shuster
Davis, Jo Ann	Lewis (KY)	Simmons
Davis, Tom	Linder	Simpson
Deal (GA)	LoBiondo	Smith (NJ)
DeLay	Lucas	Sodrel
Dent	Lungren, Daniel	E.
Diaz-Balart, L.	E.	Souder
Diaz-Balart, M.	Mack	Stearns
Doolittle	Marchant	Sullivan
Drake	McCaul (TX)	Sweeney
Dreier	McCotter	Tancredo
Duncan	McCrery	Tanner
Edwards	McHenry	Taylor (NC)
Ehlers	McHugh	Terry
Emerson	McIntyre	Thomas
English (PA)	McKeon	Thornberry
Everett	McMorris	Tiahrt
Feeney	Meeke (NY)	Tiberi
Ferguson	Melancon	Turner
Fitzpatrick (PA)	Mica	Upton
Flake	Michaud	Walden (OR)
Foley	Miller (FL)	Walsh
Forbes	Miller (MI)	Wamp
Ford	Miller (NC)	Weldon (FL)
Fortenberry	Miller, Gary	Weldon (PA)
Fossella	Moran (KS)	Weller
Fox	Murphy	Westmoreland
Franks (AZ)	Murtha	Whitfield
Frelinghuysen	Musgrave	Wicker
Gallely	Myrick	Wilson (NM)
Garrett (NJ)	Neugebauer	Wilson (SC)
Gerlach	Ney	Wolf
Gilchrest	Northup	Wynn
Gillmor	Norwood	Young (AK)
Gingrey	Nunes	Young (FL)

NAYS—166

Abercrombie	Brown, Corrine	Costello
Ackerman	Butterfield	Cramer
Allen	Capps	Cummings
Baca	Capuano	Davis (AL)
Baird	Cardin	Davis (CA)
Baldwin	Carnahan	Davis (IL)
Becerra	Carson	DeFazio
Berkley	Case	DeGette
Berman	Clay	Delahunt
Berry	Cleaver	DeLauro
Bishop (NY)	Clyburn	Dicks
Blumenauer	Conyers	Dingell
Brady (PA)	Cooper	Doggett
Brown (OH)	Costa	Doyle

Emanuel	Lipinski	Ryan (OH)
Engel	Lofgren, Zoe	Sabo
Eshoo	Lowey	Salazar
Etheridge	Lynch	Sanchez, Loretta
Farr	Maloney	Sanders
Fattah	Markey	Schakowsky
Filner	Marshall	Schiff
Frank (MA)	Matheson	Schwartz (PA)
Gonzalez	Matsui	Scott (VA)
Gordon	McCarthy	Serrano
Green, Al	McCollum (MN)	Sherman
Grijalva	McDermott	Skelton
Gutierrez	McGovern	Slaughter
Harman	McKinney	Smith (WA)
Hastings (FL)	McNulty	Snyder
Herseth	Meehan	Solis
Hinchee	Meek (FL)	Spratt
Holden	Millender-	Stark
Holt	McDonald	Strickland
Honda	Miller, George	Stupak
Hooley	Mollohan	Tauscher
Hoyer	Moore (KS)	Taylor (MS)
Israel	Moore (WI)	Thompson (CA)
Jackson (IL)	Moran (VA)	Thompson (MS)
Jackson-Lee	Nadler	Tierney
(TX)	Napolitano	Towns
Jefferson	Neal (MA)	Udall (CO)
Johnson, E. B.	Obey	Udall (NM)
Jones (OH)	Olver	Ortiz
Kanjorski	Ortiz	Van Hollen
Kaptur	Owens	Velázquez
Kennedy (RI)	Pallone	Visclosky
Kildee	Pascarell	Wasserman
Kilpatrick (MI)	Pastor	Schultz
Kind	Payne	Waters
Kucinich	Pelosi	Watson
Langevin	Peterson (MN)	Watt
Lantos	Pomeroy	Waxman
Larsen (WA)	Price (NC)	Weiner
Larson (CT)	Rahall	Wexler
Lee	Rangel	Woolsey
Levin	Rothman	Wu
Lewis (GA)	Roybal-Allard	

NOT VOTING—12

Andrews	Gibbons	Nussle
Bono	Hyde	Oberstar
Davis (FL)	Johnson (IL)	Reyes
Evans	Manzullo	Smith (TX)

□ 1206

Mr. SPRATT, Mr. WATT and Mrs. JONES of Ohio changed their vote from “yea” to “nay.”

Messrs. WYNN, BOYD, MELANCON, INSLEE, RUSH, RUPPERSBERGER and Mrs. KELLY changed their vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. ANDREWS. Mr. Speaker, I regret that I missed one vote on June 8, 2006. Had I been present I would have voted “no” on H. Res. 850 (Providing for consideration of the bill H.R. 5252, to promote the deployment of broadband networks and services).

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this rule provides 1 hour of general debate, equally di-

vided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, for virtually every telecommunications service, consumers have a choice over which service they can obtain. They can comparison shop and get the deal they feel is best for their family based on service and on price.

The reason that consumers can choose the best telecommunications deal for their family is because most telecommunications services are part of a competitive business. However, unfortunately, this is not true for video services. The lack of competition for cable television service means poorer service, higher prices, and less innovation for new products and services.

Mr. Speaker, it is time we allow competition for video services. The Federal Communications Commission has found that less than 2 percent of markets have face-to-face cable television competition. In the other 98 percent of markets where there is no face-to-face competition, cable rates have increased approximately 85 percent since 1995.

When there is competition, cable rates drop. According to the General Accounting Office, cable competition leads to a 15 percent decrease in costs for consumers. Bringing competition to long distance and wireless services has brought lower costs for consumers. For example, since 1995, the cost for long distance telephone service has fallen approximately 50 percent. The cost of wireless minutes has fallen approximately 77 percent.

This act, the COPE Act, removes barriers to entry for new competitors in the video services market by establishing clear Federal standards to replace the outdated local franchise approval process. There are over 34,000 local franchise authorities. Negotiating just one local franchise can take years.

Now, imagine, Mr. Speaker, negotiating 34,000 such agreements. One company official testified that, for example, if AT&T signed a franchise agreement every day, it would take more than 7 years to complete its deployment plan. Signing all of these agreements is prohibitively expensive to companies interested in offering video service.

This system impedes entry by new competitors, and consumers end up paying the price. Even though companies will be able to get a national or a State franchise instead of negotiating with each of the local authorities, the local authorities will still retain many of their rights under the current system. The local franchise authorities, for example, will still have the right to manage their rights-of-way.

They will receive a franchise fee of up to 5 percent of gross revenues. In addition to the franchise fee, they can receive an additional 1 percent for public,

educational and governmental, so called PEG, channels and institutional networks.

This bill includes stringent anti-discrimination provisions. A cable operator will not be able to deny access to its cable service to any group of potential residential cable service subscribers in a franchise area because of the income of that group.

Any complaint filed by a local authority with the FCC must be completed in 60 days. If the FCC finds discriminatory practices against a group, the FCC must ensure that the cable operator extends access to that group within a reasonable period of time. The FCC may also order that the cable operator pay penalties of up to \$500,000 per day, per violation to the franchise authority.

In addition, Mr. Speaker, to improving cable competition, this legislation also provides the FCC with explicit authority to enforce its broadband policy statement. The statement has four principles that the FCC can enforce with regard to net neutrality.

Those are that consumers are entitled to, first, access to lawful Internet content of their choice; two, run applications and services of their choice subject to the needs of law enforcement; three, connect their choice of legal devices that do not harm the network; and, four, competition among network providers, application and service providers, and content providers. Consumers are entitled to that as well.

Mr. Speaker, this legislation was introduced by Chairman BARTON and reported out of the Energy and Commerce Committee by a bipartisan vote of 42–12. Most impressive. This is good legislation that will bring competition to cable television finally in this country and lower the price of video services to consumers.

I would like to thank Chairman BARTON and Chairman UPTON and Representative RUSH for their hard work and their leadership on this very important issue.

I urge my colleagues to support both the rule and the underlying legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, our democratic system of government promises that the will of the people it serves will be heard. But it does more than that. It also promises that the right to debate will not be trampled underfoot by the might of simple majorities.

In so doing, it seeks to protect the needs of all of its citizens, rather than simply those of the biggest, the richest, and the most well-connected groups in our society. For all of these reasons, the rule and the bill that we

have before us today is onerous on two separate, but connected, levels.

It should not be a handful of people in the back room that decides what ideas this democracy is allowed to consider. And yet while eight Democrat amendments were made in order last night in the Rules Committee, almost 20 were not.

Among those silenced were crucial corrections to this legislation that would protect the needs of American consumers and citizens against the unchecked ambitions of some of our Nation's largest and most well-connected companies, companies I might add that were perfectly willing to hand over all of our records to the government.

Now, perhaps this makes sense, considering that what we have left is a bill that without amendment will radically undermine the technology that has been proven to embody the democratic ideals of our Nation in a way that few inventions ever have.

□ 1215

I am, of course, talking about the Internet. That is what my Democrat colleagues and I are talking about when we speak of an America that is for sale: Assaults on democracy here in the House that ripple out and hurt Americans everywhere.

Consider some of the amendments the bill turned down yesterday, the Rules Committee turned down yesterday. Representatives DOYLE and DINGELL gave us an amendment that would give local officials and mayors some power over where and how telecommunications companies could build their infrastructure in their towns and cities. This bill will take that power away from them. But the majority did not allow us to debate the amendment today.

Another amendment sought to require telecommunications companies to provide high speed Internet access not just to the well-off neighborhoods, but to all the neighborhoods in our cities and towns so that all our families would have access to the power and knowledge that comes with information and that amendment was rejected by the majority.

Another amendment would have taken an aggressive stance against red lining, the practice of denying service or offering inferior service to consumers because of their race, national origin, religion or gender. That amendment was turned away by the Republican majority.

Mr. Speaker, these were amendments written for the benefit of all Americans. They were designed not to unfairly impinge on the ability of telecommunication companies to do business, but rather to ensure the business done served the public good and the needs of all of us. But when we examine what was put into the bill before us, it makes sense that a handful of folks in the leadership decided for all of us that the amendments would be left out.

The Communications Opportunity, Promotion, and Enhancement Act of

2006 as it stands today will do much more to limit online opportunities than it will enhance the experiences of users or promote the Democratic digital flow of ideas. It is a bill written by and for a limited number of companies that are already wildly profitable. Also, they can make even more money and the American people will pay the price.

It is indeed true that corporations like Verizon and AT&T have invested a great deal in the high technology and infrastructure empowering our Nation's economy, but they are being compensated richly for their efforts by ordinary consumers who pay to access their systems. Verizon, for example, is one of the largest corporations in America with annual revenues in excess of \$75 billion a year.

Because the information superhighway these companies help build has remained open to all and free of arbitrary tolls, it has been home to an unlimited profusion of new and novel companies. It is the basis of the greatest exchange of ideas, opinions and information in human history. It has become instrumental to our global economy and to our international political system, and it has allowed a free market to truly flourish.

Today anyone with an idea or business concept can share it with literally billions of others. Open telecommunication systems have broken down walls and made old barriers obsolete. But my colleagues and I are not exaggerating when we say that all of that is threatened by this bill. It permits major telecom corporations to serve those who can pay them the most better than those who cannot pay. The Internet has traditionally been a true marketplace for ideas and commerce with small and large vendors competing on equal footing, a true community bazaar for the 21st century.

This bill, if not amended, will bulldoze the dynamic Main Street style marketplace that is our Internet today and will replace it with a one-size fits all Wal-Mart superdome. We have all seen the effects that type of development has had on local communities all over America. Why on earth would we help the Republicans do the same thing to the Internet as well? Why should Americans accept the destruction of the very concept that makes the Internet what it is today?

The truth is under this law, independent online media outlets and small Internet businesses will not be able to compete anymore. And Internet users will eventually have no choice but to use the services of an ever-dwindling number of online organizations. Innovation of all kinds will be stifled and the ultimate leveler of the playing field will have been forever tilted in favor of the already rich and already powerful. And all of this will have been done simply so the wealthy can make more money.

The solution to this unacceptable outcome, Mr. Speaker, is known as net

neutrality; and my colleagues, Mr. MARKEY, Mr. BOUCHER, Ms. ESHOO and Mr. INSLEE have offered an amendment to enshrine that concept in this legislation.

I should say, Mr. Speaker, that while the rule we are debating here today will fortunately allow us to debate the amendment, it does not make in order another fine net neutrality proposal that Chairman SENSENBRENNER and Ranking Member CONYERS developed in the Judiciary Committee.

Net neutrality is being portrayed by some as an attempt at excessive regulation, but the opposite is the truth. But what we are doing here today will have long lasting repercussions, Mr. Speaker. I pray we do it right.

Net neutrality proposals like the one proposed in the MARKEY, BOUCHER, ESHOO, and INSLEE amendment are the only way for us to keep the Internet open for all.

These reforms we are proposing won't prevent telecommunications companies from building their networks and earning tremendous profits . . . They just won't provide giant companies with a government sanctioned stranglehold on the Internet marketplace.

What they will do instead is ensure that networks will be worth building—that the infinitely diverse universe of information, ideas, and entertainment that currently flows into homes around the world will be protected and perpetuated.

Ultimately, this issue is about the freedom of the marketplace, and understanding the value of competition.

The Republican leadership, who talk so much about benefits of competition and the value of free-markets have abandoned these core principles on this bill, in order to carry water for the biggest and richest telecommunications companies in the world.

And when my friends on the other side of the aisle rejected important amendments to this bill designed to defend ordinary consumers and citizens against some of the largest companies around, they were rigging the game to ensure their own victory.

In the process, I worry that this House leadership is headed toward selling out the needs of tens of millions of Americans yet again.

But they have a chance to change my mind here today, and the minds of millions and millions of Americans who want an Internet not controlled by a handful of mega-corporations.

They have a chance to stand up for the marketplace of ideas that the Internet has become . . . to embrace true competition instead of trampling it under the foot of big business.

They have a chance to ensure that the Internet will truly belong to all Americans and that anyone who chooses may have a voice online. And that that voice won't be filtered by a few privileged super companies who have greased the skids in Congress.

America deserves better than this, Mr. Speaker.

And I know that quietly many of my Republican colleagues out there today agree with me on this issue.

I just hope they are brave enough to stand with us.

I urge everyone in this House to vote "yes" on the Markey, Boucher, Eshoo, and Inslee amendment.

Without it, this legislation is little more than an unjustifiable attack on a technology with the rarest of potentials—to better the lives of everyone it touches.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have fashioned a very fair rule, very fair. Mr. MARKEY's amendment, he has worked long and hard on it, was in order on net neutrality, a very important issue. We look forward to considering it. My distinguished friend, the Chairman of the Judiciary Committee, his problem was that amendment was not germane.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I would say to Ms. SLAUGHTER that as Mr. DIAZ-BALART has mentioned, the bill in question passed 42 to 12 in committee. Only rarely do you see a bill pass with only 20 percent in opposition to the bill. And during this extensive markup, there were plenty of amendments that were offered, many of them were defeated. And a lot of these amendments, particularly the Markey amendment, are going to be offered today. So the main concern that you have is a vote on net neutrality, and we are going to have that today. So I really think what you are complaining about is not of concern to members in general.

The current requirement for new entrants into competitive cable service as has been pointed out are overly burdensome and serve as a barrier to entry. Because of the tireless work of Chairman BARTON and also Mr. UPTON, we have this bill before us, the Communication Opportunity, Promotion, and Enhancement Act, or we call COPE. So the requirement to negotiate local franchise fees as well as obligations of local franchising authorities, what they impose are delaying such entry and blocking the consumer benefits that such entry would provide.

More competition would lead to lower prices, better service and greater innovation, and all of these benefits are positive for our constituents. The COPE Act creates a national framework for the regulation of cable services while striking the proper balance by preserving local government enforcement of local rights of way regulation and national consumer protection rules are in the bill.

The bill also preserves local franchise fees and provides additional financial support for and carriage of educational, public and governmental programming. It is all there. In addition, the COPE Act also includes stricter net neutrality enforcement provisions. These folks against the bill will say there is nothing in the bill for compliance of net neutrality but they are wrong. In the bill it establishes penalties of up to

half a million dollars for broadband providers that block lawful content. Mr. Speaker, the FCC would have explicit power to go after companies that violate the network neutrality issues for the first time in this bill.

The FCC now has the ability to enforce their broadband policy statements and the principles included therein. Under this Act, the FCC can act swiftly to punish those who simply violate these principles.

So free and open Internet is crucial to formulating an effective policy. We must not lose sight of the fact that if the network providers really do act badly in the future, Congress can and I hope will, step in and legislate through tough rules. But for now the strict, strong enforcement provisions that are in this bill are a tough deterrent to anyone who would act to change the free and open nature of the Internet.

I urge support of the rule. I urge support of the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time and her leadership on this important issue about openness and freedom on the Internet.

Mr. Speaker, last year, House Democrats met with leaders around the country to create our innovation agenda, a commitment to competitiveness to keep America number one. One young technology leader told us. If you think you have seen it all on the Internet and broadband, you ain't seen nothing yet.

The objective of this legislation, to create more competition in the broadband marketplace, is a laudable one. But a key goal of the telecommunications policy must be that everyone in America, from the most rural areas to the most urban, is never more than a key stroke or a mouse click away from the jobs and opportunity that broadband can create and support. Bridging the digital divide with inclusiveness must be a central value of our broadband efforts, yet today absent from this bill is that spirit of inclusiveness.

Why are we not able to debate amendments that ensure that access is built out to the entire community and not limited by race or religion? Why are we not able to debate amendments to protect our local governments and enforce our local laws?

In fact, on the previous vote on consideration of the resolution that Ms. BALDWIN put forward on unfunded mandates, it was reported by the CBO that this bill could cost local governments about \$350 million in unfunded mandates.

It is interesting to me that the Republicans who have had not having unfunded mandates as a principle of their Contract with America, 100 percent of the Republicans voted for an unfunded mandate for localities in our country to the tune of hundreds of millions of

dollars. Not one Republican supported the principle of no unfunded mandates. What are the Republicans afraid of?

Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule.

One issue that we do have a chance to vote on today is the Markey amendment on net neutrality. Mr. MARKEY has offered an amendment that will continue the innovative tradition of the Internet by enacting net neutrality protections that ensure all consumers are able to access any content they wish with the same broadband speed and performance. The imposition of additional fees for Internet content providers would unduly burden Web-based small businesses and start-ups. They would hamper communications by non-commercial users, those using religious speech, promoting civic involvement and exercising first amendment freedoms.

That is why organizations across the political spectrum support net neutrality, from the Gun Owners of America to Common Cause, from the Christian Coalition to the Service Employees International Union. America's most innovative companies like Google and eBay and YouTube and Yahoo also favor the Markey amendment.

Without Net neutrality, the current experience that the Internet users enjoy today is in jeopardy. Without the Markey amendment, telecommunications and cable companies will be able to create toll lanes on the information superhighways. This strikes at the heart of the freedom and quality of the Internet.

Today we can vote to retain the openness and innovation of the Internet. I urge my colleagues to vote in favor of the future, in favor of the Markey amendment, and against the restrictiveness of this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise today to support this rule and to support the bill, H.R. 5252, the COPE Act as we have called it. And I want to take a moment and thank Chairman BARTON and Chairman UPTON for their excellent work on this bill. I also want to thank Congressman WYNN who has worked with me on video choice and franchising and on these issues. It has been a bipartisan bill and it has been a 1-year debate, and I thank him for his leadership and his participation on this issue.

□ 1230

I think it is important to note that this bill came out of committee on a strong bipartisan vote, 42-12, and there is a reason that that happened. The reason for that is our constituents know that when we pass this bill that they are going to see greater access to broadband. They are going to have that coming into their communities, and

they are going to have greater access. This is good for them, it is good for their communities, and it is good for economic development in those areas.

Our constituents believe that they have the right, that they should have the opportunity, that they should have the access to something more than one single cable provider, one set of rabbit ears or a satellite; and I agree with them. Government regulation has created the artificial marketplace that exists today, and it is a market that does mean higher prices for our consumers.

There is another point that has been mentioned a couple of times. Some of these so-called D.C.-based groups that lobby for our cities I think have had a little bit of a problem understanding the bill or reading the bill. So I would like to clarify a couple of things there.

New entrants into the video service market would be responsible for the same franchise fees that the incumbent operators pay, and our cities would be receiving those same fees from the new entrants, as well as those incumbent companies. Many times, if you have got an incumbent company, you add one to it that gives you two companies. So you know there is some opportunity there.

New entrants would also provide the same government and education channels. We call those PEG channels. They are going to be included. Cities also maintain control over their rights-of-way.

Now, we know that competition works. We have seen it work in Keller, Texas, and Herndon, Virginia, and in other areas where we have brought in new entrants into the video service market. We know that speeds up broadband. We are 16th worldwide in broadband deployment. So let us speed that up.

Another thing on net neutrality. That is a nice fuzzy sounding name, but if we were to see the amendment being offered today, we would have a net not so neutral and have a Secretary of Internet Access that would be overseeing how we approach that issue. So I would encourage a "no" vote on that amendment.

Mr. Speaker, I thank you for the time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member on the committee.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from New York. This is a bad rule. It gags the House. It does not give enough time. It denies opportunity for Members to offer worthwhile and important amendments. It is going to lead to enactment of bad legislation. I would be ashamed to support or present a rule of this character.

This body is supposed to debate matters. We are supposed to be able to offer amendments. We are supposed to be able to represent our constituents, and we are supposed to be able to see to it that the public interest is broadly

served by the legislation we pass after fair consideration. None of that is present, and I say to this body on this rule, shame. Reject the rule.

I support consumers having choices for video and broadband. This bill will do more harm than good, and our constituents and communities deserve to know the truth about it, but they also deserve to have a fair bill.

Democrats on the committee offered real solutions to prevent harm to consumers. We came close to a deal. At one point, we had a handshake deal which would have served everybody, but the telephone companies got on the leadership here, and you know what has happened. We are not able to even consider an amendment which will take care of the cities.

This is going to affront the cities. It is going to leave many consumers of these kinds of services with less service, worse service, higher cost and inability to participate fully in the business of moving information and information technology at all.

First, the bill would leave consumers paying higher cable prices for worse service. Some may even lose their only provider of cable service altogether. This is a bill which is supported not by consumers, but by the special interests and by those who will be the beneficiaries of a national system of charter.

Second, the legislation does nothing to stop cable operators and incoming cable operators from offering inferior service to groups of people based on race, color, religion, national origin, or sex. Representatives SOLIS, BALDWIN, WAXMAN, WATSON and WU sought to prevent this by offering a strong anti-discrimination amendment. This amendment has been blocked. Why?

The bill removes the authority of the cities and townships to manage their own property, and it is going to clog the FCC with business which they will simply disregard because it will be inconvenient. Cities will be hurt, our constituents will be hurt, and the constituents of the cities will be hurt. Representative DOYLE and I offered amendments to keep the locals in charge, with courts hearing appeals rather than a Federal bureaucracy. Unfortunately, the Republican majority has again blocked that amendment.

These three issues deserved open debate, they are important, as did others offered by Democratic colleagues, or amendments that might wish to be offered by Members on the floor. This is a complex, technically difficult piece of legislation. It is one in which the future of this country is going to be very much affected, and it is a piece of legislation which is going to relate to how people are treated fairly.

None of that is permitted by the rule. The legislation is a bad bill. We could have made it a good bill had my Republican colleagues been cooperative and had the special interests not gotten on them.

If you look at this legislation and how it is going to work, you will find

that this legislation is going to benefit the special interests, particularly the cable and the telephone industry. You will find that it will do nothing for the ordinary citizens. It is a shameful bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are very proud of this bill. We were very proud of the rule that brings it forth. Three times as many Democrat or bipartisan amendments have been made in order by the rule that we bring this legislation to the floor with than Republican amendments, three times.

In addition, the cities were heard repeatedly. I have a list here, Mr. Speaker, of concern after concern after concern of the cities that were dealt with by the legislation, are dealt with by the legislation. It is good legislation for the consumers.

Finally, there is going to be competition in this country for cable television, something the consumers have been demanding for many, many years.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), my distinguished friend and colleague.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding, and I want to just comment on a couple of things.

First of all, I rise in support of this rule. Now, there are people on both sides who may say that this rule is not perfect and the bill is not perfect, and they probably would be correct; but I think considering what we can get done this year, this is a very good rule, and this is a very good bill.

I want to call particular attention to an amendment that was made in order that will be offered by me, Mr. STUPAK, Mr. PETERSON, and a group from the Congressional Rural Caucus. It deals with the issue that many Members of Congress, and I suspect many of our constituents, do not completely understand. It is a new technology called voice over Internet protocol. Why is that important? Well, it is a technology that is growing by leaps and bounds, and it has to ride on the telecommunications system, the interstate highway, if you will; and the interstate system is only as good as its weakest link. Everyone wants to serve the suburbs and most companies want to serve the cities, but when you get out into the distant parts of rural America, it becomes more and more difficult to serve those areas.

One of the ways that we have tried to level that playing field is with what is called a universal service fund, and the base bill says nothing about the universal service fund and the obligation that providers of voice over Internet protocol have to participate in the universal service fund.

So the amendment that we are going to be offering, and I hope Members will consider supporting the amendment, will simply say that nothing in this act shall be construed to exempt the VoIP

service provider from requirements imposed by the Federal Communications Commission or a State commission on all VoIP service providers, among others, to participate in the universal service fund.

This is a very important amendment. In many respects, it is innocuous but it is important, especially in rural America; but if you think about it, it is important for everyone because the chain is only as strong as its weakest link.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman.

In a post-GATT, post-NAFTA global world, global economy, you need an ongoing plan as to who is going to gain access to telecommunications technology, Information Age technology.

Well, the Republicans have constructed a defeatist policy. Knowing that 50 percent of the children in America will be minorities by the year 2020 in our country, they have refused Congresswoman SOLIS, Congresswoman WATSON, representing the Hispanic and the Black Caucus, to come out here to make an amendment that would require the telephone companies to build out on the poor side of town, because we know they are going to the wealthy side of town, and they want this decision to be made at the Federal Government level.

Every mayor in the past has made this decision because they negotiate the contract with the cable company, but the Republicans say we are not even going to have a debate on that issue on the House floor.

On net neutrality, 20 minutes, 10 minutes for either side. Net neutrality, an issue which is going to fundamentally change the nature of the Internet forever. On the naming of post offices, the Republicans give 40 minutes of debate. On changing the Internet for the rest of eternity, 20 minutes, evenly divided.

It is so disrespectful of the importance of these issues that it almost defies description, but it is a reflection of the telephone company agenda, and the Republicans have decided to take that agenda 100 percent.

Now, what did the telephone companies have to do with inventing the Internet? Nothing. The browser? Nothing. The World Wide Web? Nothing. What have they had to do with the Internet from the beginning of time? Nothing.

But what the Republican Party has done is side in this bill, in a gag rule that does not allow us to debate the important issues, with the telephone company against every entrepreneurial company in America, the future Sergey Brins, the future Marc Andreessen of Netscape and Google. They are going to have to pay a broadband tax to the telephone company to gain access. It will be their highway. That is what they say.

Well, that runs fundamentally contrary to the agenda which we need to

have for the future of America as the entrepreneurial telecommunications Information Age giant in a modern world. This is our strength, and it also completely ignores the role that these 50 percent of minority children are going to have in terms of access to it.

No requirement to build out into the poor parts of town. Now, what kind of plan is that for America? It is a defeatist attitude, and the Republicans have just basically put in this bill the tech agenda for America in a rearview mirror. It is a sad commentary.

Now, Congresswoman SOLIS wants to have an amendment out here so we would debate red-lining to make sure the telephone companies just do not go to the good parts of town. They are going to my part of town. They are going to anybody's part of town that has money in their pocket over \$100,000 a year. Sure, that is great. Members of Congress, they are going to be fine. But what about the people in the neighborhoods that people drive around? Are they going to get access to it? Not under their bill, and by the way, not a debate to be had on the House floor.

It is so disrespectful. It is so defeatist. It is so lacking in vision as to what our country needs for entrepreneurs and for minority children, and I beg the Members to vote "no" on this rule, to open it up. Forty minutes on the naming of a post office, 20 minutes on the future of the Internet. Vote "no" on this Republican rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

That, Mr. Speaker, after having made his amendment in order. Mr. Speaker, there were a number of misstatements that were just made; and first of all, I want to reiterate that this is an extremely fair rule that we have brought forth the underlying legislation with. There are three times as many Democrat or bipartisan amendments as Republican amendments, including the amendment of the gentleman that just spoke.

□ 1245

What I am going to do now is yield 4 minutes to one of the prime authors of this legislation to hopefully clarify a number of the misstatements, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise not only as a Member, but also as the Chairman of the Telecommunications and Internet Subcommittee, and I first want to thank Chairman DREIER and Mr. DIAZ-BALART for their work in crafting what I think is a fair rule in the debate we have today and perhaps tomorrow.

From the start, this has been, I think, a very fair and open process. And I must note that the Barton-Rush-Upton-Pickering bill, H.R. 5252, has been fair and open from the very start. In fact, I would note that when you look at the number of cosponsors, and this bill was filed after we completed the markup in full committee, H.R.

5252, and after we completed the markup, not beforehand but after, 15 Democrats from the Energy and Commerce Committee cosponsored the legislation. That perhaps is one of the reasons why it passed in subcommittee 27-4, overwhelming; and 42-12 before the full committee.

The process has been open. We have had lots of hearings, lots of discussions. We have had lots of viewpoints, lots of panels. We have heard from just about anyone with any interest at all in this legislation as it has moved through this process. We looked at a number of staff drafts, many of them with Member input. Some Members might want to decline to have Members' input, but in any case we had lots of debate and lots of issues that we looked at, starts and stops, and at the end of the day I think that the process, most Members would say, was very fair.

What was the intent of what we were trying to do? It is called deregulatory parity; that is that we are going to treat all of the providers of these services equally, whether they be a cable provider, whether it be telephone or voice provider, or whether they have broadband or high speed Internet access. All of those can provide these services. All of us consumers want those services in our homes and in our businesses, and yet under existing law it is not parity. It really is weighted towards one side and against the others. So the bottom line was we wanted it to be fair, and I think we achieved that result with this legislation.

What does it mean for the consumers? Well, for the consumers that have these services, it is probably going to mean about a \$30 to \$40 reduction per month. That comes out to about \$400 per year that they will save with the enactment of this legislation.

Now, I hear a lot about the cities. We wanted to protect the cities. Let me tell you that the rights-of-way are protected. They are going to be able to govern whether the streets are torn up or where the wires are going to be strung. All of that the cities retain those rights. Look at the language in the bill. It is there.

The revenue stream, very important as well to the cities. Remember, that is us consumers that pay. Some would call it a hidden tax, but it is there. The revenue stream is protected. In fact, there are some studies that came out, we debated this a little earlier, perhaps a 30 percent increase to the cities revenues because you have got more providers coming into town and you are going to have more people that perhaps just have over-the-air and don't pay into that at all who are going to want these new services and it is going to be very beneficial. And we have the same standard, the same standard for accumulating those revenues that there is today.

So the bottom line is this: This was a bipartisan bill. We worked hard to see

it that way, and the proof is in the pudding. That is why a 27-4 vote in subcommittee, overwhelming, and then a 42-12 vote in the full committee brings this bill to the House floor.

Now, earlier this morning, I had a chance to talk to Chairman STEVENS on the other side of the Capitol. They are looking forward to moving legislation. I hope it is fairly close to ours. A markup yet this month and on the floor as early as next month, so that we can get a bill to conference, work together, and get this bill to the President.

I am proud to say that the Barton-Rush-Upton-Pickering bill is gaining a lot of steam, a lot of momentum. This rule vote is very important. I would urge all my colleagues to support the rule, a fair rule. Let us get it done to get the consumers some money in their pockets.

Ms. SLAUGHTER. We appreciate your getting to us, Mr. Speaker, and I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the distinguished ranking member of the Rules Committee.

My colleagues, this debate today and this rule on the bill is a debate about the past or a pathway to the future. This bill, I can't believe it, that in the 21st century we are going to divide up the country on access to the haves and the have-nots.

All we have to do is to look at the history of cable, of the cable industry in our country. They invested billions and billions of dollars to build out everywhere, and the American people won, as did the cable industry. And I applaud that. So what does this bill do? It says, under the new rules, you build out, but you don't have to build out everywhere. You don't have to build out everywhere. We know what will happen as a result of that.

And you know what is in the bill? If you live in a neighborhood where you are not going to have access to this, guess what you can do, Mr. and Mrs. America? You, on your own, can go to the FCC. Is that a joke or what? Although, it is more than a joke, it is an insult, and it is not the way to go.

Ever since I have come to the Congress, I have worked to expand and protect the Internet. So where are we going with this bill? The big telcos are coming in and saying, we have a better idea. On the information superhighway, we are going to have a toll road and we are going to charge and charge mightily on that.

Well, you know what, Members of Congress? We all have cable in our districts. We all have telephone companies in our districts. But you know what, there are tens of millions of Internet users. So what this bill represents, unfortunately, is the reverse gear.

That is not what America is about. America is the best idea that was ever born, and the Internet has been the imprimatur for hands off, for democra-

tizing information; that everyone gets to use it, small businesses, entrepreneurs, individuals, families, teachers, schools, whomever you are, wherever you are, whatever color you are, and regardless of how much money you have. This bill will damage that.

I urge my colleagues to defeat this rule. This bill should not see daylight. We can do better than this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are strong antidiscrimination provisions in this legislation. And a prime author of this legislation, who has worked very diligently, precisely on this issue, as well as others, and the gentleman who I had the privilege of coming to Congress with, a classmate, Mr. RUSH of Illinois. I yield him 4 minutes.

Mr. RUSH. I want to thank the gentleman for yielding. Mr. Speaker, I am in kind of a difficult situation here. I am a minority, I am a Democrat, I was raised in the civil rights movement, I live next door to a public housing residence in the City of Chicago, and I am a supporter of this rule.

Why am I a supporter of this rule? I am a supporter of this rule because my constituents want to get much-needed relief from the escalating and high cost of cable television. I am amused and I am bemused by the comments of some of my colleagues from the party that I am a member of because they are talking about build out. They are talking about video services in my community, the community that I represent, that I haven't left, that I have been a part of.

Well, let me tell you about that community. That community has the highest viewership of cable television than any other demographic group in America. We pay more for video services, for high premium packages than any other group in America. And why is that? Because only on cable do we see people who look like us, speak like us, and who understand us. That is why we pay more for cable.

Let me just tell you, Mr. Speaker, we don't need build out, we need build up in my community; build up by allowing minority entrepreneurs to get access to the telecommunication industry. And that is what this bill would do, and that is what this rule will provide for. We need build up and not build out. This legislation represents a huge step in lowering prices and creating more choices for cable services, not only to my hard-pressed constituents, but to the entire Nation.

Mr. Speaker, this is a good bill. This is a good rule. Of course, there were amendments in the committee that were voted down. I voted against a lot of them, because the intention of those amendments was to gut the bill. And I cannot go back to my community, because I came here to represent my community. I came here to represent my community, no philosophy, no party, my community, and that is what I am going to do. I am going to represent my community, and my community wants this bill. They want lower

cable prices, they want more access, and they want more diversity and content on the video platform. That is what this bill does.

I urge my colleagues, those who can think for the little people in America, not the elite, but for the little people in America, I urge you to vote for this rule.

Mr. Speaker, I rise in support of the rule for H.R. 5252, the Communications, Opportunity, Promotion, and Enhancement Act of 2006, a bill that I jointly and proudly sponsored with my Colleague Congressman BARTON. This legislation represents a huge step in bringing lower prices and more choices for cable services, not only to my hard pressed constituents, but to the entire Nation. Specifically, this bill would provide equitable competition amongst a variety of video service providers. Video service providers can compete in price, quality and quantity, and consumers can finally decide which service provider they prefer. Specifically, this bill would create a nationwide approval process for pay-TV services. By streamlining the archaic franchise system, companies will be able to offer new TV services in many areas while protecting local interests. It would prohibit discrimination on the basis of income and give the FCC the power to impose stiff fines up to 500,000 a day or revoke a provider's franchise area if there is willful or repeated violation of discrimination. The bill also preserves net neutrality by allowing the FCC explicit power to go after companies that violate network neutrality principles and lastly and more importantly H.R. 5252 creates new jobs when video entrants make new investments in advance network.

Mr. Speaker, I believe this is a fair rule it allows for meaningful amendments by my Democratic colleagues. I respectfully urge my colleagues to support this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentlewoman for allowing me this time.

Mr. Speaker, I rise in strong opposition to the rule. While H.R. 5252, the COPE Act, which I think is a cop-out act, contains a provision that purports to prevent red lining, it is weak and it will prove to be ineffective. It does not fully ensure that all communities, communities of color, regardless of race, income, or national origin will have the benefits of enhanced cable competition.

Last night, in Rules Committee, I offered two amendments, with several of my colleagues, including Ranking Member DINGELL and Congressman MARKEY, which would have strengthened the weak antidiscrimination provisions in this bill. These amendments would establish incremental market-based service requirements for cable providers so that they build out their cable services to their entire franchise area, not skipping over poor communities like mine in east Los Angeles and in the San Gabriel Valley.

We are tired of what goes on, the red lining. The proposed build out that they talk about that is going to be provided in this bill is false. It is not

there. In fact, the Bells did not want to see any language put in to that effect.

So I have to be very straight on this. In my community, yes, we want diversity, yes, we want to see more minority ownership, yes, we want to see more faces portrayed like mine in different aspects of the whole industry, but it is not going to happen overnight, and it is not going to happen with this bill.

In fact, the amendments we provided were strongly supported by over 30 consumer and civil rights advocacy organizations, including the Leadership Conference on Civil Rights, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and the Consumers Union. Despite this strong support, neither of these amendments were accepted by the Rules Committee that I proposed.

The Rules Committee also didn't accept the Doyle-Dingell cities amendment to protect and preserve the ability of our communities to oversee the enforcements of cable franchises. We are going to lose money, folks.

The rule reported by the committee fails to address the serious concerns raised by so many. I urge my colleagues to oppose the rule.

□ 1300

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the Rules Committee made in order three times as many Democrat or bipartisan amendments as Republican amendments. This is an extremely fair rule.

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

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend Chairman BARTON and Chairman Upton for the hard work they did on this bill.

This bill is pro-consumer and -business legislation. It represents a giant leap forward in our efforts to reform the Nation's telecommunications laws. Bringing our laws up to date with current technologies will remove many of the current bureaucratic barriers that prevent consumers from having access to the latest television and broadband technologies.

Furthermore, this bill will have a significant impact on rural areas such as mine by making more services available. This legislation represents months of hard work, and for consumers it means two things: it means more choices and lower prices, pure and simple.

Capitalizing on this opportunity now will ensure that Americans enter the Digital Age as soon as possible.

Much has been said about net neutrality, and there is a Markey amendment in order which is called "net neutrality." That is a catchy phrase, but it is not descriptive. What it is is government regulation of the Internet. Now you can call a pig a chicken, but it doesn't make it a chicken. It is still a pig. You can call an amendment "net neutrality" when it is government regulation, and it is still government reg-

ulation. That is an amendment that is a solution in search of a problem. I would urge Members to vote against that amendment, to vote for this rule, and vote for the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise in strong opposition to the rule for H.R. 5252, the COPE Act. "COPE" is the perfect name for this act because we will be coping for the results of this act for decades to come.

My constituents have been coping with high cable prices for years now, and because this rule omits several key amendments, many may be forced to cope with these high bills, inferior service, or lack of access for a long time.

My colleagues and I offered amendments we think will truly strengthen the bill. We offered an amendment that would prevent telecom companies from picking and choosing the parts of communities they wish to service. It would have required gradual market-based build-out to all areas so all constituents will eventually be served in exchange for access to public rights-of-way. Unfortunately, because this amendment was blocked, oversight would be left to Washington, D.C.

The FCC's oversight of local rights-of-way does in no way serve our cities, nor our constituents. They deserve a local court of appeal that knows the community and therefore can make sound judgments that benefit all of our constituents.

Our other amendment strengthens the antidiscrimination language necessary to ensure that people of all races, colors, religions, national origins, or sex have a court of law to turn to in the event they receive inferior access or no access to important telecom services.

This necessary safeguard protects all people, particularly those who have historically been denied access to services others take for granted. Because this amendment was blocked, telecom companies can redline entire neighborhoods, leaving minorities and others behind.

I urge my colleagues to vote against this rule. It does not offer an alternative to a weak telecommunications bill that only protects fair services for a few and not all.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we are very proud of the rule and we are very proud of the underlying legislation, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. Mr. Speaker, I thank the gentlewoman from New York, my friend and colleague, for giving me this time to discuss this rule and the bill that it controls.

I hope that the majority of the people in this House will vote against this rule. This House of Representatives is supposed to provide the American people with a free, open and fair discussion of the most critical issues that affect them and this democratic Republic.

This rule does just the opposite. This rule closes down the debate on one of the most important issues before the American public and before this Congress, and that is the free and open, fair dissemination and discussion of information.

What this legislation does is it curtails the free, open and fair discussion of information, even more so than we have currently, and the situation that we have currently is bad enough. A large part of that badness comes out of the 1996 Telecommunications Act, which the Republican Party pushed through this House of Representatives back then.

Remarkably, there were 16 of us who voted against that bill. A lot more wish they had voted against it today, and those people who vote for this rule and vote for this bill, at some point in the future they will regret having done so because what this rule does is close down debate on a bill which closes down discussion of important issues before the American public.

Let me just give you a quote from the Supreme Court. Almost 60 years ago the Supreme Court declared: "The widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public. A free press is a condition of a free society."

What do we have today? Today we have five companies that own the broadcast networks. They own 90 percent of the top 50 cable networks. They produce three-quarters of all prime-time programming, and they control 70 percent of the prime-time television market.

These same companies that own the Nation's most popular newspapers and networks also own 85 percent of the top 20 Internet news sites, and you are going to close down the Internet even more with this legislation.

One-third of America's independent TV stations have vanished. There has been a 34 percent decline in the number of radio station owners since the 1996 Telecommunications Act passed.

I want to say this to my dear friend from Chicago for whom I have the greatest affection and affiliation: there has also been a severe decline in the number of minority-owned broadcast stations since the end of the 1990s. Minorities now own little more than 1.5 percent of U.S. television stations, and they own 4 percent of the Nation's AM and FM radio stations.

This bill now closes down the process even more. It closes down the last free, open element of communication not controlled by big corporations in America. It closes down the Internet. It is going to make the Internet less available to Americans. It is going to

make communication through the Internet less available to Americans. And it is going to further stifle debate on the most important issues confronting our country just in the same way that this Republican rule stifles debate on this very important piece of legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are again very proud of the rule that we have brought this legislation forth under. A colleague on my side of the aisle asked me why is it you are making three times as many Democrat or bipartisan amendments in order as Republican amendments, and my reply was we want to be as fair as possible. That is what we are doing today.

We are very proud of the process and the rule. We are very proud of the underlying legislation. It is extremely pro-consumer and is going to bring relief to consumers, to our constituents throughout the country.

It is finally going to bring competition to the cable television process in this country. So it is very important legislation. It has been made possible by hard work and study and perseverance by numerous Members.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to today's rule for the COPE Act which blocked many important amendments, including an amendment that was of great concern to the people all of us represent in this body. Each of us comes from cities or towns, many of us were elected to this body from county councils. Some of us were mayors. I have gotten a lot of calls from the cities I represent, and I know my friends on both sides of the aisle have too, but the leadership stands in the way of debating the amendment that answers their calls.

This rule hangs up on cities and towns. This rule should be voted down. With the Doyle-Dingell cities amendment ruled out of order, leadership has told our cities, told our towns, told our mayors, told our councilmen that leadership does not care about their concerns. Even though TV revenues are a large part of municipal budgets, even though their citizens rely on public, educational, and government channels for information, even though local governments have a lot to say, the leadership has told local governments they are shut out of this debate. This rule should be voted down.

There has been little debate about the COPE Act and what it does to rights-of-way. Proponents say it protects city streets. In reality, it only goes halfway. It allows cities to manage their rights-of-way which include streets, sidewalks and other public

property; but that is exactly what America's cities and towns do today. But the COPE Act sends any dispute about those rights-of-way to the FCC. That is such a fundamental change. The COPE Act is so far from how it works today, and our body needs to debate it. This rule should be voted down.

If a city like Pittsburgh has an ordinance that prohibits blocking rush-hour traffic on a major road, who is best to determine whether that ordinance is legal under the COPE Act? Is it somebody from the Pittsburgh area, or is it a bureaucrat in Washington at the FCC?

Mr. Speaker, the COPE Act sends these disputes to the FCC. Why? We will never know. The leadership is afraid of a debate. They are afraid the voices of cities and towns might actually win this amendment. Our body should debate this change of policy. This rule should be voted down.

Today, local governments also enforce the franchise agreements they have signed with cable operators. These franchises include a wide range of other matters. But guess what, the COPE Act takes all other local disputes that used to be resolved locally and it detours them to the FCC. This rule should be voted down.

The Doyle-Dingell cities amendment would have saved taxpayers money by allowing local governments to handle these local problems first. It tapped into the infrastructure local governments already have in place to handle these complaints. This rule should be voted down.

I want to thank my friends on the other side of the aisle who expressed interest in the Doyle-Dingell amendment. I am sad that their interest in solving problems in a bipartisan manner might have killed its chances from being considered.

Mr. Speaker, the Doyle-Dingell amendment was supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and others. Without our amendment, the COPE Act will create real problems for America's cities. Why should Congress detour disputes about how a city manages its roads away from the local area?

Since when does the FCC care about the Pittsburgh public access channel? How fast will the FCC respond to Pittsburgh's institutional network, the I-Net that a city relies on.

□ 1315

Why should the FCC be the final arbiter over America's streets?

Why is Congress telling America's local governments that they have to hire a Washington attorney to defend their roads?

We will never know. We are not allowed to debate this bill. This rule should be voted down.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I think we have heard a good debate. I think the key, first with regard to the process, the

rule. Obviously every piece of legislation is brought forth for consideration by rule that sets the terms of the debate, how many amendments can be made in order, how long they be can be debated, et cetera.

As I said before, a colleague of mine on my side of the aisle said, why have we made under this rule three times as many Democrat or bipartisan amendments than Republican amendments? I said, because we want to be fair. It is an important issue; want to make sure that everybody gets a chance, that the key issues, the key issues have a chance to move forward in a fair way. So we are being exceptionally fair. It is an exceptionally important issue.

There is finally going to be competition for cable television in this country. I don't know about you, Mr. Speaker, but I have constituents through the years complain about their lack of choice with regard to cable, the fact that rates continue to rise. There is no competition. There is no alternatives for consumers with regard to cable television.

Finally, there is going to be, because of this legislation. So it is an important piece of legislation. That is why we wanted to be as fair as possible with regard to the terms of debate. That is why we made three times as many amendments, Democrat or bipartisan amendments in order than Republican amendments.

We have still heard complaints. Obviously it is a free country. But Mr. Speaker, we are proud of the rule, proud of the process, of the hard work that has been put into this legislation, starting with Chairman BARTON, Mr. RUSH of Illinois, Mr. UPTON, so many others, Mr. PICKERING, who have worked so hard on this piece of legislation, and we bring it forth in a very fair process with a very fair rule.

Mr. BUYER. Mr. Speaker, as the telecommunications industry takes leaps and bounds in pushing the innovation envelope, it is almost impossible for the Federal Government to keep pace. In fact, it is often times a detriment for the Government to preemptively legislate on an issue before we can either define it or grasp its impact. What we can do is to remove barriers to entry that currently exist, paving the way for new entrants to offer services benefiting this Nation.

The legislation before us here today is a step in the direction of more choice and lower costs for American consumers. A national cable franchise will streamline the current process and allow faster entry into the marketplace for non-traditional cable providers providing real choice for all of our constituents.

In my home State of Indiana, legislation was enacted earlier this year, streamlining the process by which cable providers could offer service. Already, investment is coming to the heartland—millions of dollars is being plugged into our economy by companies laying fiber, offering different services, leading to more jobs in Indiana. Let's also talk about the smaller companies in my district, and across Indiana, who now are free from barriers to entry so they can begin to offer cable services to compete with larger companies.

Who is the winner in the end? Our constituents, our economy, our innovators. I thank Chairman BARTON and Chairman UPTON for their leadership on this issue.

Mr. LINCOLN DIAZ-BALART of Florida. 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. BOOZMAN). The question is on the resolution.

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

Ms. SLAUGHTER. 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.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5522, and that I may include tabular material on the same.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 851 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. 5522.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, with Mr. THORNBERRY in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am pleased today to present to the House of Representatives H.R. 5522, the fiscal year 2007 appropriation bills for foreign operations, export financing and related programs. And I might say, Mr. Chairman, that I am pleased to have

you back in the Chair for I am not sure how many of the consecutive years since I have been doing this bill that you have been there, but it feels very good to have you back with us.

Before I turn to the bill, let me just mention that this is the last appropriations bill that I will be bringing to the floor, at least the last regular foreign operations appropriations bill.

As with nearly every other foreign operations bill over the last 6 years, this bill is a product of bipartisan cooperation, something I could not have done without the support and cooperation of my esteemed ranking member, Mrs. LOWEY, or my vice chairman, Mr. SHERWOOD and every member of the subcommittee.

I am proud of this bill. I can honestly say it has probably been one of the more difficult ones that we have put together. The bill before you totals \$21.3 billion. While this level is \$597 million above the amount provided in fiscal year 2006, not counting supplementals, it is fully \$2.4 billion below the amount requested by the President. In other words, by reducing the allocation by \$2.4 billion, we have freed up that amount for pressing domestic needs.

The bill includes increases for three priorities, the war on terror, the Millennium Challenge Corporation, and international health spending, priorities which lie at the core of the United States interests abroad. For the war on terror, this bill includes \$962.3 million for Afghanistan. This amount is \$137 million below the President's request, but \$85 million over fiscal year 2006.

As with last year's bill, this bill continues a provision that withholds \$385 million until the Afghan government, both at national and local levels, fully cooperates with our efforts against narcotics production and trafficking. I want to be clear that I appreciate the support of the government of Afghanistan in the war on terror. However, that government must take difficult but necessary measures to fight narcotics production and trafficking, measures that it has so far been unwilling or unable to take.

The bill also includes \$521.9 million for Iraq. While below the President's request, it represents a very large increase of \$461 million over what we provided in fiscal year 2006. That is because last year we required the administration to fund Iraq programs from unexpended relief and reconstruction funds that were in the very original supplemental appropriation. Now, however, these funds are nearly all expended.

This bill would normalize Iraq and Afghanistan assistance programs, moving them away from emergency supplementals that exceed budget limits.

The bill contains no funding in the economic support fund for West Bank and Gaza programs. Although the President's requested \$150 million for this purpose, the request was made be-

fore Hamas was elected to lead the Palestinian Authority. The subcommittee believes that humanitarian assistance must continue to the Palestinian people, a view, I might add, that is shared by the Israeli government and by the administration.

Such funding is not affected by this bill. It does contain humanitarian pro democracy funding with restrictions and safeguards that have been included in the past.

For international health, the bill contains the President's requested amount of \$3.4 billion for the emergency plan for AIDS relief, and increase of \$751.6 million. Within this sum, we more than double the President's request for a contribution to the global fund to fight AIDS, tuberculosis and malaria, to attain last year's level of \$444.5 million.

At the same time, I am pleased that the bill maintains last year's funding levels for other health programs, including an increase for malaria programs of \$243 million. For several years now the President's budget request has included deep cuts to international health programs. We have worked hard to restore them to at least the level of the previous year.

In order to bring these accounts back up, we have had to cut some other programs that are also priority programs. We provide \$2 billion for the Millennium Challenge Corporation, but that is \$1 billion below the request of the President. It is \$248 million above the amount that we provided in 2006.

This is a difficult decision for me, but I saw no way to move forward with a bill that gave the full amount that the President asked for the Millennium Challenge Corporation. My goal was very simple, I wanted to send a clear message that Congress supports the MCCs innovative, accountable approach to help countries move away from reliance on donor funding. I think a \$248 million increase does send that very clear message, while it frees up funds above that level that enables us to bring before you today a bipartisan bill.

The bill contains two important innovations. First, it includes a Trade Capacity Enhancement Fund which consolidates trade capacity funding from a variety of accounts. This new account includes \$522 million, virtually all of what is spent for trade capacity by agencies and accounts that are under the jurisdiction of this subcommittee. And it is about half of the \$1.3 billion that is spent on a government-wide basis.

Since we will now require a coherent strategy for the use of these funds, it is my hope and my belief that this new account will provide a strong incentive for countries to liberalize their trade regimes.

This bill would also restructure assistance to Colombia, formerly provided only through the Andean Counterdrug Initiative, or ACI. I want to be very clear about one point. This