

That is why it is opposed by every health professional.

Let me say this. We are talking about 400,000 cases of aggravated asthma attacks if this resolution passes. We are talking about 34,000 cases of premature death.

I want to make a point here. If you are the head of household and you die prematurely because of filthy, polluted, poisonous air that is floating in from another State, you can't work and your family is in deep trouble. I will tell you this, the annual benefits by 2014—annual, of this rule—are estimated to be \$280 billion a year. So if anyone stands up here and says we are fighting for jobs, we are fighting for the people, we are fighting for the economy by rolling back clean air rules, don't believe it for a minute. If you don't want to listen to me or Senator DURBIN, listen to the people I know you respect, from the American Association of Cardiovascular Rehabilitation, the American College of Preventive Medicine, the American Lung Association, the American Nurses Association. Those nurses have held those babies.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 5 seconds.

Mrs. BOXER. I hope we vote down this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The junior Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise in support of clean air, clean water, electricity, and jobs.

Interestingly, the other side hasn't read the EPA v. North Carolina opinion that says the regulations were not overturned. We are arguing for keeping in the current regulations. We are just arguing that we not be overzealous and that we not add \$2 billion in new regulations on top of the current regulations.

We have \$2 trillion worth of regulations heaped on our economy, 14 million people out of work—2 million new people out of work since this President came into power. We cannot allow this administration to continue with its job-killing regulations.

We can have a clean environment and we can have jobs. We are arguing for the existing regulations. We are arguing against placing additional burdens. We are arguing for the existing regulations. They don't seem to get it, so they make up all these numbers. All of their numbers are completely fictitious because they don't account for the current regulations that would still be in place if we don't increase these regulations.

This is about whether we can have a balanced approach in our society, whether we can have a clean environment and have jobs. What I am arguing for here is some reasonableness.

The PRESIDING OFFICER. The time of the Senator has expired.

DISAPPROVING THE RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION WITH RESPECT TO REGULATING THE INTERNET AND BROADBAND INDUSTRY PRACTICES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 6, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 6) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

The PRESIDING OFFICER (Mrs. HAGAN). Under the previous order, there will be 5 minutes of debate equally divided between the two leaders or their designees.

Who yields time? If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. Madam President, a bedrock principle of the Internet is that consumers should be able to access the lawful Internet content of their choice without service providers discriminating based on the source of the content. This has allowed the online marketplace to evolve into the vibrant and competitive system that we are all accustomed to today. Last December, the Federal Communications Commission took action to promulgate "network neutrality" rules, which are set to go into effect later this month. These are rules that will create transparency and foster competition. I oppose the resolution being considered by the Senate today that disapproves of the Commission's actions in this area.

Many Americans have either no choice or a limited choice of broadband service providers. This is particularly true in rural areas like Vermont. This lack of competition in the market raises the threat of providers discriminating against certain lawful Web sites and Internet content. Net neutrality rules are crucial in ensuring that the Internet remains the ultimate free marketplace of ideas, where better products or services succeed on their own merits and not based on special financial relationships with providers.

Congress and the executive branch must take steps to ensure that competition on the Internet is vibrant. This has taken on new importance as the Internet has become increasingly central to our lives. The online marketplace is going to be a key driver of the 21st century economy, and implementing net neutrality rules now, while it is still growing, will ensure that the online marketplace will continue to be dynamic well into the future.

The Judiciary Committee held hearings on this issue several years ago, and it is an issue in which I have been interested. I was an original cosponsor of the Internet Freedom Preservation

Act in both the 109th and 110th Congresses. That bill would have gone even further to preserve an open Internet than the actions taken by the FCC last year. I will remain a strong supporter of strong and responsible net neutrality regulations in the Senate, and I oppose the resolution being considered today.

Ms. AYOTTE. Madam President, I rise today in support of S.J. Res. 6, the FCC Internet and broadband resolution of disapproval. There are so many reasons to support this resolution and oppose the FCC's rulemaking on net neutrality.

I could focus on regulatory overreach, the lack of cost-benefit analysis to justify this rulemaking, consistent court rulings showing the lack of FCC legal authority to implement net neutrality or even the aggressive nature of this administration to regulate at all costs.

However, today I would like to talk about the most important reason to support this Resolution in opposition of net neutrality—jobs.

Last year, the telecommunications industry invested over \$65 billion in our domestic economy. These billions of dollars go toward infrastructure, network expansion, and continual upgrades, all of which will drive job creation in a growth sector. For every billion dollars invested, there is a direct correlation to 3,400 created jobs.

What is at stake in this debate is nothing more than the government trying to take over the Internet in a misguided attempt to regulate a dynamic industry into a static platform. This approach will stifle innovation.

If companies are devoting \$65 billion a year to building out their networks, but do not have the ability to control and manage their investments, then they are going to stop investing tens of billions of dollars into their product. It really is that simple. No company is going to continue to invest at such a fast rate if they will be forced to cede partial control over to government regulators.

In a down-economy, telecommunications has been one of the few bright spots. Why? Because of a light-touch, hands-off regulatory approach. Now the FCC is pursuing a political agenda by attempting to undermine the industry. The FCC has not won in the courts or through the legislative process in Congress, so it has resorted to expanding the regulatory process.

According to a 2010 study entitled "The Economic Impact of Broadband Investment," 434,000 jobs have been created in the broadband industry in the past decade, and in the next 5 years, we can expect over 500,000 additional jobs to be created.

To help protect these jobs, we must stop this government over-reach. IT investment accounts for 47 percent of all U.S. nonstructural investment and as I mentioned, the job creation from this is a bright spot in our economy. We must continue the hands-off approach

that results in job creation and allows our companies—big, small and everything in between—to do what they do best: innovate, invest in the future, and create jobs.

We need to support policies that encourage investment in tomorrow's technologies, not hamper innovation. According to the FCC's own National Broadband Plan, in 2003 only 15 percent of Americans had access to broadband. Today that number is 96 percent, and we cannot stop until we have 100 percent market-saturation. Parts of northern New Hampshire are included in this remaining 4 percent, so to get the rest of my state, and our great country, access to broadband, we must have policies that encourage private-sector investment and growth.

We have heard it said many times, but it is worth repeating: net neutrality is a solution in search of a problem that does not exist. There is no market failure and no justifiable reason to impose such onerous regulations. Quite the contrary—competition is at an all-time high in the telecommunications and broadband industry. Since the Internet was privatized in 1994, there has been a steady movement away from government control and roadblocks.

As FCC Commissioner Robert McDowell pointed out in his December 2010 dissent to the FCC's rulemaking on net neutrality, there are fewer than a handful of cases of alleged misconduct by an Internet service provider, and each of those cases was resolved by the courts in favor of the consumer. So as you can see, the consumer is well-protected by the existing system and does not need the heavy hand of the government inserting itself with more regulations.

The White House this week issued a veto threat for this resolution. However, in doing so it made our point for us. The White House says it would be "ill-advised to threaten the very foundation of innovation in the Internet economy" but then says we need to keep the Internet "free and open." Well I have news for the White House—the Internet is free and open. I sent a letter, along with 10 of my Senate Commerce Committee Republicans to FCC Chairman Julius Genachowki a couple of months ago asking him to provide a market justification and cost/benefit analysis for imposing net neutrality regulations. In his response, he could not cite any examples of market failure to justify such a rash rulemaking. Why? Because no rationale exists. There is no market failure.

I fear that if net neutrality were to become law, we would be taking an irreversible step backwards at a time when our economy needs it least.

I urge my colleagues to support this resolution and say no to government attempting to take over the Internet.

Mr. LEVIN. Madam President, I will oppose the motion to proceed to S.J. Res. 6 a joint resolution of disapproval of the FCC rule regarding net neutrality.

This resolution of disapproval would overturn the FCC's rule that would codify and supplement existing Internet openness principles while maintaining the ability of Internet service providers to engage in reasonable network management. The rules would prohibit Internet access providers from preventing its users from sending or receiving lawful content over the Internet; prohibit Internet access providers from preventing users from connecting lawful devices to the network; and would require Internet access providers to treat lawful content, applications, and services in a nondiscriminatory manner. It also included additional provisions that will create an Open Internet Advisory Committee to assess and report to the FCC on developments in mobile broadband.

The Internet has become an indispensable tool that has spurred innovation, provided virtually unlimited access to information and commerce, and increased communication through Web sites, e-mail, and blogs. It has become difficult to imagine life without the Internet, a system both open and unrestricted.

The Internet plays a critical role in our society because it provides an equal platform for all users, allowing for the free exchange of ideas and information. It is important that the Internet remain free and open and not risk becoming a system with limited access for some of the smaller Web sites and their users.

Mrs. HUTCHISON. Madam President, over the past 20 years, the Internet has grown and flourished without burdensome regulations from Washington. With the strength of free market forces behind it, the Internet has been an open platform for innovation. It has spurred business development, much needed job creation, millions of jobs in fact. If we are going to keep an open and free Internet and keep the jobs it spawns, we should reject the FCC regulation on net neutrality.

The FCC reversed its successful hands-off approach last December by passing net neutrality rules where the FCC has essentially granted itself power over all forms of communication, including the Internet. Congress did not explicitly delegate this authority to the FCC, and it is our responsibility to hold on to the power that only we authorize regulations where they are needed. Unelected agencies do not get to decide on their own that something needs to be done that Congress has not, in its congressional and constitutional responsibility, decided is necessary.

These regulations on broadband providers establish the FCC as the Internet's gatekeeper—a role for which government is not really suited when innovation could be stifled. Instead of spending their resources on new job-creating investments, on new products, on new services, Internet providers are going to have to spend money on lawyers and lobbyists to comply with and

go through the processes the FCC will require. Congress has never given the FCC this authority.

Regulators and bureaucrats all across the government are overstepping their bounds in many areas—the NMB, the NLRB, the EPA—and it is time for Congress to push back, and we can do it today. Regulators should not regulate without the explicit authority of Congress. The court said so in the Comcast case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Madam President, the success of the Internet should not be tampered with. We need to pass S.J. Res. 6 that is before us today.

Madam President, have the yeas and nays been called for?

The PRESIDING OFFICER. They have not.

Mrs. HUTCHISON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Madam President, what about our second vote on the other Congressional Review Act?

The PRESIDING OFFICER. That will take consent, to order the yeas and nays.

Mrs. HUTCHISON. I ask for the yeas and nays on that as well.

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays? Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—46

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Brown (MA)	Hoeben	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Johnson (WI)	Thune
Collins	Kirk	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	Lugar	
DeMint	McConnell	

## NAYS—52

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Boxer	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

## NOT VOTING—2

Inouye	McCain
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The motion was rejected.

**DISAPPROVING A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO THE MITIGATION BY STATES OF CROSS-BORDER AIR POLLUTION UNDER THE CLEAN AIR ACT—MOTION TO PROCEED**

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 27.

There will be 2 minutes of debate equally divided in the usual form.

The Senator from Kentucky.

Mr. PAUL. Madam President, I rise in support of clean air, clean water, electricity, and jobs. We need to, if we are going to maintain our economy, discontinue and not overreach with job-killing regulations. We are asking for the continuation of the existing regulations. This action would allow for the continuation of the existing regulations. If we look at EPA v. North Carolina, it says remand without vacating the order.

The other side claims we are for no regulations. We are asking for the continuation of the existing regulations on pollution. The rules are working, but if we keep increasing the burden, we are going to cause increased joblessness.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I hope colleagues will take a moment to look at this picture, because this is what we are talking about: exhaling toxic air, and little kids and members of our families who have to use this kind of inhaler. Exhale pollutants, inhale with an inhaler. This is a poster done by the American Lung Association. Every respected public health group opposes the Paul resolution.

If your neighbor dumped toxic garbage on your front lawn, that would harm your family. You would do two things. No. 1, you would say clean it up and, No. 2, you would say never do it again. That is all the rule does that Senator PAUL is trying to eviscerate here.

Vote no for jobs, for clean air, for our families. Sixty-seven percent of the

American people, including 68 percent of Independents, oppose the Paul resolution. Please vote no.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky.

Mr. PAUL. There are emotions and there are facts. The facts are that emissions have been declining for six decades. The current rules are working. If you vote for increased regulations, you are voting to kill jobs.

The PRESIDING OFFICER. The Senator's time has expired.

The yeas and nays are ordered on the motion to proceed to S.J. Res. 27.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 201 Leg.]

## YEAS—41

Barrasso	Grassley	Moran
Blunt	Hatch	Murkowski
Boozman	Heller	Nelson (NE)
Burr	Hoeven	Paul
Chambliss	Hutchison	Portman
Coats	Inhofe	Risch
Coburn	Isakson	Roberts
Cochran	Johanns	Rubio
Corker	Johnson (WI)	Shelby
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	Manchin	Wicker
Graham	McConnell	

## NAYS—56

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (FL)
Ayotte	Gillibrand	Pryor
Baucus	Hagan	Reed
Begich	Harkin	Reid
Bennet	Johnson (SD)	Rockefeller
Bingaman	Kerry	Sanders
Blumenthal	Kirk	Schumer
Boxer	Klobuchar	Shaheen
Brown (MA)	Kohl	Snowe
Brown (OH)	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Collins	McCaskill	Webb
Conrad	Menendez	Whitehouse
Coons	Merkley	Wyden
Durbin	Mikulski	

## NOT VOTING—3

Inouye	McCain	Sessions
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The motion was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, first of all, I want to say a big thank-you to colleagues for voting to defeat the Paul joint resolution, which was a real attack on the health of our families.

## SIGNING AUTHORITY

Mrs. BOXER. Madam President, I ask unanimous consent that from Thursday, November 10, through Monday, November 14, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 1:30 p.m. with the time equally divided between the two leaders or their designees, and with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

## VETERANS TAX CREDIT

Mr. DEMINT. Madam President, I want to speak for a few minutes about the proposed veterans tax credit. I know what I am about to discuss will not make me very popular. I will probably be accused of not supporting veterans by the politicians pandering for their votes, but I am not going to be intimidated into voting for something that may make sense politically but is inherently unfair, and it is not going to work. The measure the Senate is now considering at President Obama's urging is to offer tax credits to employers who hire unemployed veterans. It might sound like good politics, but it is not good policy.

We have learned over the past few years since President Obama took office that employers hire based on their long-term plans, not short-term stimulus. It costs an employer about \$63,000 a year to create an average private sector job. A new tax credit for a couple thousand dollars is simply not enough to increase employment. We have to recognize the fact that businesses are not going to hire until the government gets out of their way and creates a stable environment where businesses can thrive.

Let's be clear: I want veterans to have work opportunities. Once a man or woman has completed his or her service to our country, I hope they are welcomed into the job market. But veterans are not hired simply because they are veterans. By and large, they demonstrate admirable qualities that are invaluable in the workforce, such as selflessness, hard work, and dedication to improving oneself. Many other Americans who are suffering in this same bad economy—such as single moms, young graduates, and minorities—also demonstrate these same commendable character traits. The best way to get our veterans back to work is by doing what will help the economy and get all Americans back to work. Sadly, this tax credit does not do that.