

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

March 7, 2011

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
Washington DC, 20515

The Honorable Greg Walden  
Chairman  
Subcommittee on Communications  
and Technology  
Committee on Energy and Commerce  
Washington DC, 20515

Dear Chairman Upton and Chairman Walden:

Thank you for agreeing to our request for a legislative hearing on H.J. Res 37, a resolution disapproving the Federal Communications Commission's December 21, 2010, Open Internet Order. We commend you for providing the Committee an opportunity to hear from companies and organizations that would be affected by this legislation.

We continue, however, to have serious concerns about the process for Committee consideration of this legislation. We were advised last week that you will not allow votes on any amendments to H.J. Res 37. This is a major departure from the Committee's tradition of transparency and an extraordinary silencing of its members.

The process you propose would deprive members of one of their most fundamental rights: the right to offer amendments. We recognize there is disagreement about the role of the Commission with respect to the Internet, but we do not believe that justifies denying us the right to amend your legislation.

We recognize that H.J. Res. 37 is being brought before the Committee under the authority of the Congressional Review Act. We also understand that under this law, you have the power to deny us the ability to debate and vote on amendments. But the fact that you have this power does not make using it right.

If you are truly committed to proceeding fairly in this matter, there is another way to move forward. Instead of utilizing the Congressional Review Act, you could bring before the Committee a regular H.R. bill that overrules the Commission's Order. This bill would accomplish the same policy as H.J. Res. 37, but it would not preclude us from offering and debating amendments, thus remaining consistent with the traditions of open debate that are a hallmark of our Committee.

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We urge you to continue the Committee on Energy and Commerce's long history of open debate by adhering to the tenets of regular order. We also stress the need for the Committee to resolve this matter and move forward with other pressing issues that require congressional action.

Thank you for your kind consideration of our request.

Sincerely,



Henry A. Waxman  
Ranking Member  
Committee on Energy and Commerce



Anna G. Eshoo  
Ranking Member  
Committee on Energy and Commerce  
Subcommittee on Communications  
and Technology



Edward J. Markey  
Member of Congress



Michael F. Doyle  
Member of Congress



Doris O. Matsui  
Member of Congress



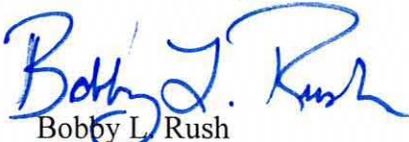
John Barrow  
Member of Congress



Edolphus Towns  
Member of Congress



Frank Pallone, Jr.  
Member of Congress



Bobby L. Rush  
Member of Congress



Diana DeGette  
Member of Congress



John D. Dingell  
Member of Congress