

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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March 1, 2011

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton and Chairman Walden:

Yesterday, you announced that the Subcommittee on Communications and Technology would markup H.J. Res. 37, a resolution disapproving the FCC's open internet rule, on Wednesday without any legislative hearings. We think this departure from regular order is a serious mistake and urge you to reconsider.

Our top priority in Congress should be creating jobs and rebuilding our economy. You apparently believe that disapproving the FCC regulation will promote economic growth. There are, however, many fast-growing companies that take a different position and believe approval of the disapproval resolution would be a serious threat to our economy. Members should have the opportunity to hear their perspective before voting on the resolution.

To take one important example, the most vibrant sector of our economy today is our Internet economy. U.S. companies like Google, Facebook, Amazon, and eBay lead the world in innovation. They all urged the FCC to act to protect an open Internet because "common sense baseline rules [are] critical to ensuring that the Internet remains a key engine of economic

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growth, innovation, and global competitiveness.”¹ We should hear from these job-creators before voting to strip the FCC of authority.

Recently, we received letters from a broad and diverse array of more than 120 organizations – including public interest groups, labor unions, libraries, small businesses, technology trade associations, civil rights groups, artists, and religious organizations – that are united in their opposition to efforts to block the open Internet rules. We should also hear from these stakeholders directly before we move to a resolution of disapproval.

In addition, there are cable and phone companies that have supported the FCC’s action and their voice, too, should be heard.

We are not aware of any time constraints or deadlines that require us to act tomorrow. The FCC’s rules will not go into effect for some time, giving us plenty of opportunity to hear views that have been excluded from the process.

Accordingly, we urge you to convene a legislative hearing before we markup this legislation.

Sincerely,



Henry A. Waxman
Ranking Member



Anna G. Eshoo
Ranking Member
Subcommittee on Communications
and Technology

¹ Letter to The Honorable Julius Genachowski, Chairman, Federal Communications Commission from Jeff Bezos, Founder and CEO, Amazon.com, James F. Geiger, Chairman and CEO, Cbeyond, Craig Newmark, Founder, Craigslist, et al. (Oct. 19, 2009) (online at <http://www.openinternetcoalition.org/index.cfm?objectid=1748D020-8AD1-11DF-A6BC000C296BA163>).