

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

**Opening Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**“Network Neutrality and Internet Regulation: Warranted or**  
**More Economic Harm than Good?”**  
**Subcommittee on Communications and Technology**  
**February 16, 2011**

Today is the first FCC-related hearing of the Subcommittee on Communications and Technology. I think it is appropriate that our witnesses are the five commissioners of the Federal Communications Commission (FCC). I commend you, Chairman Walden, for inviting them. And I welcome you, Chairman Genachowski and Commissioners Copps, McDowell, Clyburn, and Baker, to the Committee.

Last December, the FCC took landmark action to preserve the open Internet. These rules are a bill of rights for Internet users. They contain four key provisions that:

- Restore the FCC’s authority to prevent blocking of Internet content, applications, and services, which was struck down by the court in the Comcast decision;
- Prevent phone and cable companies from unreasonably discriminating against any lawful Internet traffic;
- Prohibit wireless broadband providers from blocking websites, as well as applications that compete with voice or video conferencing, while preserving the FCC’s authority to adopt additional safeguards under existing authorities; and
- Direct the FCC to issue transparency regulations so consumers know the price, performance, and network management practices of their broadband providers.

With each hearing we have in the Committee, I sometimes feel that I am falling farther and farther down the rabbit hole into wonderland, where facts get turned upside down and fiction is accepted as reality.

Last week, we held a hearing on climate change. The lead witness told us the science behind climate change is a hoax.

Today we will hear that FCC regulations to protect the open Internet will do the opposite and hinder innovation and stifle investment.

Both claims remind me of William James, who once said: “There’s nothing so absurd that if you repeat it often enough, people will believe it.”

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 – and I quote – “common sense baseline rules [are] critical to ensuring that the Internet remains a key engine of economic growth, innovation, and global competitiveness.”

In fact, these high-tech, high-growth companies urged the FCC to do the exact opposite of what my Republican colleagues argue: they wanted even stronger rules than the FCC issued.

I wanted to get independent advice, so my staff contacted economists at Stanford, Northwestern, NYU, USC, and other leading academic institutions. They told us that the FCC got the rules right. The phone and cable companies have near monopolies as providers of Internet access, especially wireline Internet access. Without sensible regulation, they could choke off innovation by charging Internet companies for the right to communicate with consumers.

Contrary to the hyperventilated rhetoric we will hear today, the FCC rules do not “regulate the Internet,” do not grant the government the power to “turn off the Internet,” and do not determine what content is appropriate for users to access. Their goal is just the opposite. They prevent Internet gatekeepers like Verizon from deciding what content their subscribers can access.

Even AT&T and Comcast, which are two of the nation’s largest network operators, support the rules. AT&T’s CEO stated: “We didn’t get everything we wanted. ... I wanted no regulation. But we ended at a place where we have a line of sight and we know we can commit to investments.”

Earlier today, we received letters from a broad and diverse coalition of more than 100 organizations that oppose efforts to use legislation to block the open Internet regulations. They agree that overturning the regulations would “eliminate the FCC’s ability to protect innovation, speech and commerce on broadband platforms on behalf of the American people.”

They are exactly right.

The American people want us to be focusing on creating jobs and rebuilding our economy. We have important opportunities in this Subcommittee to contribute to that effort by making more spectrum available and ensuring universal access to broadband.

We need to start looking towards the future instead of fixating on the past. We need to stop endlessly relitigating the FCC’s sensible open Internet rules. And we need to start working

together to forge bipartisan solutions that expand broadband access and create tomorrow's economic opportunities.

I hope today's hearing can be the start of this process.