

Statement of Rep. Greg Walden
Chairman, Subcommittee on Communications and Technology
House Energy and Commerce Committee
Floor Consideration of H.R. 1580
5/14/13

AS PREPARED FOR DELIVERY

Thank you, Mr. Speaker. I rise in support of H.R. 1580, sometimes referred to as the “Internet Freedom Bill.” The Internet is possibly the most important technological advancement since the printing press. Governments’ hands off approach has enabled the Internet’s rapid growth and made it a powerful engine of social and economic freedom. This bipartisan bill is designed to combat recent efforts by some in the international community to regulate the Internet, which could jeopardize not only its vibrancy, but also the benefits it brings to the world.

Nations from across the globe met at the December 2012 World Conference on International Telecommunications in Dubai to consider changes to the International Telecommunications Regulations. The treaty negotiations were billed as a routine review of rules governing ordinary, international telephone service. A number of countries—such as Russia, China, and Iran—sought to use the negotiations, however, to pursue regulation of the Internet through the International Telecommunication Union, a U.N. agency. None other than Russian Prime Minister Vladimir Putin has been clear in his objective of “establishing international control over the Internet using the monitoring and supervisory capabilities of the International Telecommunication Union.”

The developments in Dubai were not unanticipated. That is why leading up to the conference last year, the House and Senate unanimously passed S. Con Res. 50. That resolution expressed the sense of Congress that the Secretary of State and the Secretary of Commerce should advocate “the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multi-stakeholder model that governs the Internet today.”

Under the multi-stakeholder model, non-regulatory institutions seek input from the public and private sectors to develop best practices for managing the content, applications and networks that make up the Internet. The Internet is organized from the ground up, not handed down by governments. This is not to say that government has no role in policing unlawful behavior. Illegal activity is no less illegal simply because someone has used digital tools to perpetrate the act. Child pornography, for example, is no less illegal if it is disseminated over the Internet rather than in photographs and magazines. There is a big difference, however, between punishing illegal acts committed over the Internet, and government control of its management and operation. Refraining from regulating the underpinning of the Internet has allowed it to evolve quickly, to meet the diverse needs of users around the world, and to keep governmental or non-governmental actors from controlling the design of the network or the content it carries.

Buttressed by the unanimous passage of S. Con. Res. 50, the United States and 54 other countries left Dubai without signing the treaty. Unfortunately, eighty nine nations

did sign. The revised ITRs will be implemented by those nations beginning in January 2015. A number of upcoming conferences will present additional opportunities for countries to pursue international regulation of the Internet, including the World Telecommunication/ICT Policy Forum in Geneva, which starts today, and the ITU Plenipotentiary Conference in Busan, South Korea in 2014.

The growing threat of such regulation prompted the subcommittee I chair, the House Energy and Commerce Subcommittee on Communications and Technology, to hold a joint hearing this year with the House Committee on Foreign Affairs. Just as international opponents of an unregulated Internet are redoubling their efforts, so must we. That is why the hearing we held focused on draft legislation elevating the language of last year's resolution from a sense of Congress aimed at particular treaty negotiations to a generalized statement of U.S. law. I want to thank Foreign Affairs Chairman Ed Royce; Africa, Global Health, Global Human Rights, and International Organizations Subcommittee Chairman Chris Smith; and Terrorism, Nonproliferation, and Trade Subcommittee Chairman Ted Poe for their leadership and their help in calling attention to this important legislation and the issue broadly.

I also want to address the elephant in the room: the FCC's network neutrality regulations. As the legislation we consider today was moving through the subcommittee and then the full committee, my Democrat colleagues expressed concern that transforming the exact language of last year's unanimous resolution into a law would

interfere with the FCC's network neutrality rules. In particular, they saw a conflict with the language making it U.S. policy "to promote a global Internet free from government control."

Let me be clear. I oppose the FCC's rules regulating the Internet. This legislation, however, does not require the FCC to reverse those regulations. While statements of policy can help delineate the contours of statutory authority, they do not create statutorily mandated responsibilities. Nonetheless, in the interest of reaching bipartisan consensus and moving this important legislation forward, I agreed to drop the "government control" language. The result is the language you see today in H.R. 1580, which I introduced with Ranking Member Eshoo. The bill would make it U.S. policy "to preserve and advance the successful multi-stakeholder model that governs the Internet."

Passing H.R. 1580 will show we are united against efforts by authoritarian nations to exert their grip on the Internet. For the sake of the Internet and the social and economic freedom it brings, I urge my colleagues to vote for the bill.