

**Opening Statement of the Honorable Fred Upton
Subcommittee on Communications and Technology
Hearing on “Protecting the Internet and Consumers Through Congressional Action”
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(As Prepared for Delivery)

This committee is known for working together to tackle the tough issues. A tradition of getting the job done, where each side gives a little in order to make things better for the American public. But one issue that has divided us for too long is how best to ensure an open Internet rooted in bedrock principles of freedom and access for consumers and innovators alike.

While I believe free markets address these issues, the FCC seems to believe regulatory action is necessary, and one of the only tools at its disposal is to apply rules from the Roosevelt era to shape the Internet of the 21st century. Given the choice between enacting prudent legislation or leaving the FCC to tackle this with tools unfit for the task, we choose to take action.

Last week, Chairmen Walden, Thune, and I put forward draft legislation that would codify FCC authority to enforce the bright-line rules of the Internet road. This legislation protects consumers and innovators, ensuring America remains the preeminent global leader of the Internet era. Our proposal prohibits Internet service providers from blocking content, selectively changing the quality of traffic based on where it came from or what it is, or prioritizing certain traffic based on payment. It requires providers to be open and transparent with consumers, allowing them to make the most informed choice about their service. We've also included safeguards to close potential loopholes and prevent mischief. This should all sound very familiar to my Democratic colleagues: these are the rules many of you and the president have been calling for.

The FCC has spent years trying to craft rules that achieve these same goals. In fact, much of this bill's language is taken from past FCC attempts. But limits on the commission's authority have resulted in years of litigation and uncertainty.

Consumers and industry deserve better. Consumers deserve certainty to know that they are protected by clear rules. Providers need certainty so they can move forward with their business models. Without this certainty, innovation and investment suffer, and consumers lose.

Our thoughtful solution provides a path forward that doesn't involve the endless threat of litigation or the baggage of laws created for monopoly-era telephone service. Only Congress can give the commission the tools it needs to protect consumers and innovation in the Internet era and beyond.

The draft legislation provides a sustainable, responsible path to appropriately and effectively address the concerns from left and right. It puts to bed one of the more contentious issues we face and allows us to move forward in our goal of modernizing the nation's communications laws. Our CommActUpdate process can bring about bipartisan change to our communications laws, but we must first come together and resolve this near decade-long debate over the future of the Internet.

I thank our witnesses for their testimony today and look forward to advancing this legislation.

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