

Opening Statement of the Honorable Greg Walden
Subcommittee on Communications and Technology
Hearing on “Legislative Hearing on Four Communications Bills”
January 12, 2016

(As Prepared for Delivery)

Today the subcommittee will hear from a panel of distinguished witnesses on four bills, each designed to improve the legal and regulatory environment for consumers and small businesses. First, the subcommittee will consider H.R. 2669, the Anti-Spoofing Act of 2015. This legislation, introduced by Reps. Meng, Barton, and Lance, is a reintroduction of legislation that came out of this subcommittee last Congress. H.R. 2669 would extend the provisions of the Truth in Caller ID Act to text messaging and VoIP services. This legislation passed the House unanimously last Congress and I expect it will enjoy similar support this Congress.

Second, we will examine H.R. 1301, the Amateur Radio Parity Act of 2015. As a HAM radio operator, I am acutely aware of the passion that amateur radio operators have for their service. Despite its widespread use and importance in times of emergency, land-use restrictions in some areas have prioritized aesthetics over the rights of HAMs. H.R. 1301 seeks to ensure that HAMs get a fair shake and protection from unnecessary bans on their equipment by instructing the FCC to adopt rules to this end. Now, I know some have said that this is opening the door to 40-foot towers in townhome backyards. Hogwash. HAM equipment can be as small as the over-the-air digital television antennae that are becoming popular with cord-cutters. Surely HAM radio operators' communications deserve no less protection than access to primetime television. This is a common sense bill and I urge my colleagues to support it.

Finally, we will consider two bills that put me in a position I have not been in all that often in the last year: agreement with the FCC.

H.R. 2666, Representative Kinzinger's No Rate Regulation of Broadband Internet Access Act seeks to codify the assurances of FCC Chairman Tom Wheeler by prohibiting the FCC from using its new authority under the Open Internet order to regulate the rates charged for broadband. Simply put, this is what President Obama and Chairman Wheeler have stated, time and again, in statutory form. President Obama, in his now infamous YouTube directive to the FCC, directed the FCC to reclassify broadband under title II “while forbearing from rate regulation[.]” In front of multiple Congressional committees, in both the House and the Senate, Chairman Wheeler has continually repeated what he stated succinctly in his statement when the FCC adopted the Open Internet order: “That means no rate regulation, no filing of tariffs, and no network unbundling.”

H.R. 2666 simply does what President Obama and Chairman Wheeler cannot – it binds future chairmen to live by the commitments this administration has made as to how the sweeping authority the FCC granted itself is to be used. Some have been critical of this bill, seeking to change the language to preclude the use of tariff authority – an authority the FCC has already forborne from using – while leaving the Commission and its enforcement bureau free to use enforcement authority to regulate rates. Rate regulation by after-the-fact second guessing is rate regulation none-the-less. We should ensure that the specter of rate regulation of broadband is off the table, permanently.

In addition to Mr. Kinzinger's rate regulation bill, we will also examine a discussion draft of a bill that I am offering to make permanent the exception to the commission's “enhanced transparency rule” for small businesses. In the Open Internet order, the commission rightly recognized that the work required by the enhanced transparency rule would be an undue burden on small businesses and provided a temporary exception from the rule. Just last month, the FCC extended that exception through the end of 2016.

While I am sure that small businesses are appreciative of the reprieve from the costs of compliance with this rule, the reprieve is not a pardon. Small businesses deserve the certainty of a permanent exception

from this unnecessary burden. Additionally, this draft would also harmonize the FCC's definition of small ISP with the definition used by the U.S. Small Business Administration. It makes no sense to subject businesses to different definitions of "small" across different agencies and deference to the SBA definition ensures that the part of the federal government charged with small business issues reigns.

These four bills will ensure that consumers and small businesses are protected from unnecessary burdens and misuse of the authorities granted in law and I look forward to advancing this bills to the House floor as soon as possible. I thank the witnesses for being here to discuss this diverse set of bills and look forward to their counsel.

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