

**Opening Statement of Republican Leader Greg Walden  
Subcommittee on Communications and Technology  
“Legislating to Safeguard the Free and Open Internet”  
March 12, 2019**

*As Prepared for Delivery*

Thank you and welcome to our witnesses, especially our sole Republican witness Mr. McDowell, a former commissioner of the FCC.

A permanent, legislative solution produced in good faith with our Democratic colleagues is the only way to protect consumers, innovation, and an open internet. I have repeatedly called for an end to this ridiculous, partisan back-and-forth. It’s time for bipartisan legislation that can actually become law. Yet, even after offering a menu of bipartisan legislative proposals at our hearing last month to preserve an open internet once and for all, unfortunately our Democratic colleagues have once again refused to work with us on a bipartisan solution.

Their partisan approach is not the answer. Title II is not necessary to preserve a free and open internet. We can permanently address blocking, throttling, and paid prioritization without the harmful, heavy-handed approach of Title II.

We heard last month about the regulatory impact of Title II on rural broadband deployment from a small Internet Service Provider, Joe

Franell of Eastern Oregon Telecom. In my district in eastern Oregon and across rural America, we rely on small ISPs like Eastern Oregon Telecom to help connect our communities with high-speed internet. In an op-ed in the East Oregonian this morning, Joe wrote that the heavy hand of Title II “shifted Eastern Oregon Telecom’s focus from our consumers to regulatory interference and the draining cost of reporting and compliance.” Joe went on to say that every dollar he spends on reporting to regulatory agencies is a dollar not spend on serving rural Oregon.

Frankly, Title II could provide the federal government near unlimited and unchecked authority to regulate and tax the internet. That is not an internet that protects consumers nor does it allow for American ingenuity to thrive. We can do better.

I’d also like to note that the internet seems to be working today, despite all the hyperbolic rhetoric to the contrary last year. So what internet crisis brings us to the hearing room today? It’s certainly not the abuses by the tech platforms that occupy the news everyday – not the limiting of conservative voices on social media, not the seeming inability to curb harmful and illicit behavior online, not how tech makes their deals to prioritize internet traffic, and not their own agreements on sharing of people’s personal information. What brings us here is that Speaker

Pelosi still believes broadband providers are the real threat, and so directed the majority to act on a bill that won't become law.

The internet of today grew dramatically with little or no government interference. Saddling it now with archaic regulation of the 1930s monopoly-era copper landline phone company seems like an odd way to spur investment and innovation. Meanwhile, Big Tech companies want complete freedom not just from regulation, but also from liability for facilitating all sorts of harmful and illicit activity.

Twenty years ago, a Republican Congress and a Democrat President granted special liability limitations to help the tech sector to flourish. This is Section 230 of the Telecom Act of 1996, and without question this bipartisan agreement accomplished its primary objective. Online platforms are now major venues for communication and commerce, and not just in the United States but around the world. But, Section 230 was also supposed to be about responsibility. With a liability limitation in their backpocket, we increasingly see the tech giants wield their power at the wrong targets.

When will this subcommittee seriously consider the role of the edge providers either as common carriers in the internet age, or how they are the ones with business models that use our data for their profits? If

you're going to "protect" consumers online, should those online protections apply to the whole internet eco-system?

Meanwhile, we should hear directly from the Federal Communications Commissioners about how this legislation will impact the vitality of the internet. I was under the impression that the majority planned to have the FCC up to testify in the first quarter of this year. Unfortunately, that hasn't happened yet. From a process standpoint and considering the need for the full Commission to weigh in on the impact of this proposal, Mr. Chairman will you commit to letting us have a hearing with the Commissioners before this measure is rushed to a markup?

I know Ms. Eshoo was quite vocal last summer when Republicans wanted to match our bipartisan success of enacting the FCC reauthorization with completing an NTIA reauthorization. Despite having had numerous hearings that included NTIA's Administrator as well as former Administrators and interested parties, there was still a demand by the Democrats to have Mr. Redl appear again following our legislative hearing. Can you assure me that the majority will hold itself to the same standard in this case?

With that, I yield back.