

## Statement of Chairman Dingell

Subcommittee on Telecommunications  
and the Internet hearing entitled "H.R. 5353, the Internet Preservation Act of  
2008";

Statement of Congressman John D. Dingell, Chairman  
Committee on Energy and Commerce

SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET HEARING ENTITLED "H.R. 5353, THE  
INTERNET PRESERVATION ACT OF 2008"  
May 6, 2008

Rep. John D. Dingell (D-MI), the Chairman of the Committee on Energy and Commerce, today inserted the following  
statement into the hearing record at a Telecommunication and the Internet Subcommittee hearing entitled H.R. 5353, the  
"Internet Preservation Act of 2008";

Today is the first hearing in this Congress entirely focused on net neutrality legislation, an issue about which I have great  
interest and harbor significant concerns.

Over the last several years, the Federal Communications Commission (FCC) has deregulated residential broadband  
services. As a result, consumers no longer have explicit protections in the Communications Act from discriminatory or  
unreasonable behavior by broadband network operators. Though the Commission has adopted a broadband policy  
statement with the goal of protecting consumers, there is ongoing disagreement on whether it has the authority to  
enforce that policy statement against bad actors.

I am pleased that recently, when there have been missteps by network operators with respect to ensuring a fair and open  
Internet, those missteps were quickly corrected. I suspect this is due in no small part to the strong and watchful eye of  
the Congress and the FCC. And while I am encouraged by the course corrections made by some network operators,

their recent missteps suggest that this is an area where we must continue to be vigilant.

Recently, the focus of discussions about net neutrality appears to have shifted. During the last Congress, much of the debate focused on the ability of consumers to have unfettered access to the content, applications, and services of their choice and on the ability of network operators to grant enhanced service to individual content providers. Today, we discuss when and whether a network operator can impede an individual customer's Internet experience in order to protect the experience of the majority of its subscribers. Going forward, I want to make certain that such "network management" activities are transparent to the user and implemented in a manner that does not work to the detriment of consumers and independent content providers. These are my concerns as well as those of the University of Michigan and others in my district.

Among other items, I would like this panel to address the extent of the Commission's ability to protect consumers in this new regulatory environment. Specifically, does the FCC have the authority to enforce its broadband policy statement? If not, what authority, if any, does the Commission possess to ensure that network operators do not act to the detriment of consumers?

I note the importance of this debate to all Internet users and to the emerging Internet economy. Clearly, network operators maintain enormous power that could be easily misused. The FCC must have the authority to effectively police such activity and punish bad actors. At the same time, Congress must proceed thoughtfully and deliberately on this subject. We must ensure that any action to ensure a robust and open Internet architecture also furthers other important policy goals such as continued deployment of advanced networks and universal access to that network for all Americans.

Prepared by the Committee on Energy and Commerce

2125 Rayburn House Office Building, Washington, DC 20515