

Opening Statement
Chairman Frank Pallone, Jr.
Committee on Energy and Commerce
Subcommittee on Communications and Technology
Hearing on “Preserving an Open Internet for Consumers, Small Businesses, and Free Speech:”
February 7, 2019

I want to welcome everyone to this first, important hearing of this Subcommittee this Congress.

Today’s hearing examines a communications service that is essential to consumers and businesses alike. The internet is indispensable to modern life and a catalyst for American innovation and social interaction.

Until last year, both Republican and Democratic led Federal Communications Commissions’ recognized that net neutrality principles were core for ensuring the internet remained free and open.

Until last year, both Republican and Democratic FCCs believed that when consumers payed their hard-earned money each month to connect to the internet, they should get access to the entire internet.

And until last year, both Republican and Democratic FCCs would nod in agreement that your internet service provider (ISP) should not be the one deciding what you see, how you see it, and when you see it.

The FCC under Republicans and Democrats stepped in to stop net neutrality violations that stifled innovative technologies and allowed ISPs to pick winners and losers on the internet. They knew that consumers would lose if the government stood by and did nothing.

After all, the history of broadband is chock-full of bad behavior that strong net neutrality protections like those in the FCC’s 2015 order were designed address. I’d like to introduce an article for the record from Free Press, detailing many of those violations.

Instead of standing with the American people, however, the Trump FCC eliminated common sense net neutrality protections under the guise of promoting broadband investment.

While ISPs told the FCC what it wanted to hear, its senior executives told a different tale to investors. Hindsight tells us that the ISPs were more honest to Wall Street than the FCC. Despite enormous tax benefits from the GOP Tax Scam, and the elimination of net neutrality rules, many of the largest ISPs invested less in broadband than in previous years.

The FCC also ignored the millions of Americans pleading for strong net neutrality protections. The agency falsely claimed a flood of pro-net neutrality comments was a denial of service attack. Shortly thereafter, it accepted an onslaught of bogus submissions aimed at skewing the FCC’s rulemaking against net neutrality. Clearly, Chairman Pai’s mind was made up from the beginning. But while the FCC turned a blind eye to the American people, Congress, the New York Attorney General’s Office, and the FBI took heed.

In the wake of the repeal, the Republican-led Senate passed a Congressional Review Act resolution, rejecting the FCC's mistake. 182 members of the House supported the same, urging then Speaker Ryan to hold a vote on the CRA. Speaker Ryan ignored the public, and so the American people handed control of the House to Democrats in November, giving us a second chance.

Without a change, there is no backstop to make sure big corporations can't use their power over the choke points of the internet to undermine and silence their small competitors or the political opposition. Consumers don't have anywhere to turn when they are wronged by these large corporations because the FCC took itself off the beat entirely. Consumers are left watching the internet slowly change in front of their eyes.

Research shows many ISPs are throttling streaming video service or boosting some websites over others. Wireless internet providers charge consumers an H.D. fee just like your pay-tv company. And this is all happening when ISPs are on their best behavior because the court is considering whether to overturn Chairman Pai's order, and they know Congress is watching. I shudder to think what plans are being hatched up for when they think no one is watching. Those plans won't be good for consumers, competition, or innovation.

Until strong open internet protections are enacted, our only hope is the millions of Americans who are fed up and will hold Congress accountable for passing strong net neutrality laws. I look forward to working in a bipartisan manner to return strong safeguards to the internet.