

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

**Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Markup of H.R. \_\_\_\_, a bill to affirm the policy of the United States**  
**regarding Internet governance**  
**Subcommittee on Communications and Technology**  
**April 10, 2013**

Thank you, Chairman Walden.

I am disappointed that we are moving forward with the markup of this legislation and regret that I cannot support this measure in its current form.

Last year we worked on a bipartisan, bicameral basis to pass a unanimous resolution affirming our commitment to an Internet that allows citizens around the world the ability to access any lawful content they desire, without government interference.

We also affirmed our support for the so-called multi-stakeholder model of Internet governance that has allowed the Internet to flourish. Democrats and Republicans stood together to send a strong message to the rest of the world that despite our domestic policy differences we all want the Administration to resist efforts by some to insert international organizations like the ITU into Internet governance.

We have been told by stakeholders and our diplomats that this message was received loud and clear by the international community and made a real difference in their efforts in Dubai.

Unfortunately, today the majority insists on abandoning this bipartisan accomplishment. Instead of a unanimous vote in both the House and Senate, we are looking at a partisan debate -- for all the world to see.

I was an original cosponsor of the resolution containing similar language last Congress. But there are significant differences between resolutions and laws and how these measures are interpreted. Instead of passing a resolution expressing the sense of Congress, we are now asking the President to sign a policy statement into law.

This policy statement will be debated, interpreted, and reinterpreted in various contexts for years to come. And it will have the force of law.

One of my concerns is that this policy statement is actually a back-door attempt to undermine the FCC's Open Internet rules, and hamstringing the Commission's ability to manage the IP transition.

We have been told by the proponents of this bill that this is not their intent. But when we point out how the language could be used by opponents of an open Internet and ask for a savings clause to make it clear that the FCC's authority remains intact, we have been rebuffed.

And it is not just the FCC's authority to protect the open Internet that is at risk. Experts we have consulted have said that an Internet "free from government control" might suggest that the U.S. government could not initiate measures to prevent intellectual property theft online.

The same argument could be made about efforts to fight child pornography online. Or with regard to efforts to stop a cyber-attack from North Korea or Iran against the United States, Israel, or South Korea. If my Republican colleagues are not intentionally trying to limit our ability to respond to threats online, why won't they make that clear through a simple savings clause?

When we shared the draft legislation with the federal agencies, we learned that they likewise have serious concerns. FCC staff told us this bill could be used to undermine the FCC's ability to protect consumers and competition online. NTIA has told us the legislation is unnecessary and could result in unintended consequences. The Department of Justice indicated this bill would hamstring our ability to advocate internationally against child exploitation, ID theft, and credit card fraud online. The State Department said the legislation undermines legitimate government regulation of online activities and could lend support to foreign entities that argue against the U.S. role in the management of Internet architecture.

We have said repeatedly that we stand ready to work together on a post-WCIT resolution that would direct the Administration to hold firm and continue its resistance to some of the proposals that emerged in Dubai.

We believe we could jointly tailor a forceful statement that would generate broad, bipartisan, bicameral support, without raising questions about the consequences of the overly broad bill we are considering today.

Mr. Chairman, we urge you to reconsider moving forward in this partisan manner. We should resolve our differences on this legislation through compromise, not the approach you have elected to pursue.

Thank you.