



Written by [Raven Clabough](#) on March 10, 2011

House Subcommittee Votes to Invalidate FCC's Net Neutrality

The FCC approved the new set of regulations in December, which established FCC jurisdiction over the Internet, even though similar measures had been rejected in Congress and in the courts. *The New American's* Alex Newman wrote of the rules: "The new regulations purport to establish FCC jurisdiction over the Internet by giving it authority to dictate how Internet Service Providers (ISPs) do business and to punish companies that do not comply with the executive branch's decrees. The 'Order,' as the FCC regulations are being dubbed, also claims to allow FCC bureaucrats to get involved in disputes about how Internet firms are managing their networks."



The regulations require "transparency" in ISP pricing and operations, prohibit companies from "blocking" or slowing down lawful content to speed up their content, and forbid "unreasonable discrimination" in network management.

Though the FCC voted to approve the new regulations on December 21, the rules do not actually take effect until mid-summer at the earliest.

The House Communications and Technology subcommittee voted 15-8 yesterday in a party-line vote to disapprove the FCC's net neutrality rules. The resolution of disapproval asserts that the FCC's regulations "shall have no force or effect."

CNET News explains:

A resolution of disapproval is a formal process, outlined in the Congressional Review Act that permits Congress to overturn decisions of federal agencies. It requires both the House and the Senate to vote, and is subject to a presidential veto, but is not subject to a filibuster and only requires 51 votes to clear the Senate.

The bill now moves to the full House Energy and Commerce committee for a vote with a parallel version of the House resolution already in the Senate, with 40 sponsors.

The House subcommittee planned a vote on the resolution weeks ago but elected to delay the vote at the request of House Democrats who requested a legislative hearing on the bill first.

Chairman Rep. Greg Walden (R-Ore.) presided over yesterday's hearing, the second one on the topic. Last month, a four-hour hearing was held on the FCC regulations in which five FCC Commissioners were grilled on the Internet rules.

Yesterday's hearing was contentious, as representatives and witnesses debated the best way to regulate the Internet. Proponents of the FCC rules prefer heavy-handed regulations while opponents asserted



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that the Internet should be free of authority.

Broadband Census News reports:

Witnesses at the hearing included Tom DeReggi, President of RapidDSL & Wireless, Dr. Shane Greenstein, the Elinor and Wendell Hobbs Professor at Northwestern University, Dr. Anna-Maria Kovacs, an independent consultant and investment analyst, Mr. James Cicconi, Senior Executive Vice President for External and Legislative Affairs for AT&T, Robin Chase, founder and CEO of GoLoco and founder and former CEO of Zipcar, and S. Derek Turner, Research Director for Free Press. Chase flew in for the afternoon from Paris in order to give her testimony.

Together the witnesses represented Internet consumers, small business owners, Internet providers, as well as experts on the economics of Internet technology. Most witnesses were in favor of maintaining the FCC's regulations, with AT&T remaining largely neutral towards the FCC despite their desire for fewer regulations.

By contrast, Committee Chair Rep. Fred Upton (R-Mich.) remarked, "There is no crisis warranting intervention. The Internet is open and thriving precisely because we have refrained from regulating it." Upton also asserted on Wednesday that the rules would impede growth in the communications sector, adding, "If the FCC was truly weighing the costs and benefits of its actions, the agency would not be attempting to regulate the Internet."

Other opponents pointed to judicial rulings on net neutrality. *Internet News* writes, "Republicans and witnesses critical of the policy took up that position at today's hearings, suggesting that the agency's legal argument had not fundamentally changed since a federal appeals court ruled last year that it lacked the authority to punish Comcast for secretly blocking traffic on its network."

The vote to disapprove immediately followed the hearing.

Proponents of the rules contend that without them, job growth would be negatively impacted. The *Washington Post* writes, "Consumer groups expressed disappointment in the panel's vote. They have advocated for the FCC's net neutrality rules, saying that without them, network operators could block consumers from certain services."

Gigi Sohn of public interest group Public Knowledge commented, "The commission is in no way regulating the Internet. It was merely attempting to return to a modest level of traditional authority needed to safeguard the rights of Internet users."

Organizations such as Verizon Communications and MetroPCS stand vehemently opposed to the regulations, and are pursuing a lawsuit against the rules as a result.

Even if the bill invalidating the net neutrality rules passes the full House, it is far less likely to pass in the Democratic-controlled Senate. Democrats such as Al Franken, for example, insist that Internet authority belongs with the FCC.

Likewise, if by some chance the resolution passes in the Senate, President Obama is unlikely to sign off on the bill, as he supports the FCC order.



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