

Statement of Representative Anna G. Eshoo

House Committee on Energy and Commerce

Full Committee Markup of H.R. 3301, the “North American Energy Infrastructure Act,” H.R. 4342, the “Domain Openness Through Continued Oversight Matters of 2014,” and H.R. 4572,” a bill to amend the Communications Act of 1934 to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes.”

May 7, 2014

Mr. Chairman, over the past 15 months the Subcommittee on Communications and Technology has thoroughly examined the Satellite Television Extension and Localism Act (STELA). We hit many bumps along the road, but I’m pleased that we’ve reached a compromise which will make meaningful reforms to the video marketplace, while ensuring that 1.5 million satellite TV subscribers can continue to receive broadcast programming.

The compromise bill, H.R. 4572, makes two very important changes. First, it removes the “dealers choice” exemption that could have been used as a coercive tool against small cable operators. By eliminating this exemption, we ensure that broadcasters can’t team up against pay-TV providers for leverage during negotiations. This provision places in statute a reform that is even stronger than the FCC’s new rule banning joint retransmission consent between the top four broadcasters. This is an important step toward rebalancing the playing field and ultimately protecting consumers from unacceptable blackouts and increased rates.

Second, the bill removes a provision that would have prevented the FCC from moving forward with closing a loophole in its TV ownership rules. In its place, the bill ensures that broadcasters subject to the FCC’s recently adopted reforms on Joint Sales Agreements (JSAs) will have sufficient time to seek a waiver and if denied, unwind these agreements. This is a reasonable compromise which I’m pleased to support.

I urge my colleagues to support the STELA Reauthorization, but I will note we need to do more to promote innovative retail alternatives to the set-top boxes leased by cable operators. Ultimately without an eye to the future, consumers lose.

With respect to H.R. 4342, the DOTCOM Act, I continue to oppose the bill because it effectively unravels the important work this Subcommittee and Congress have done to advance the multistakeholder model of Internet governance. Yesterday, the Administration affirmed this position by stating that the legislation would “adversely impact[] the ability of the United States and its allies to counter attempts by authoritarian regimes to obtain a greater role in Internet governance.” Openness, security, stability and resiliency have been guiding principles of the Internet since its inception and I’m confident that with these values in place, we can produce a successful transition of the DNS functions to the multistakeholder community.

Finally, I oppose H.R. 3301 because it creates a ‘rubber-stamp’ pipeline permitting process that will guarantee approval of the Keystone XL Pipeline and pave the way for future tar sands pipelines. Agencies should analyze environmental and safety impacts when considering cross-border pipelines and transmission lines, but this legislation limits them to a national security analysis.

The Administration's National Climate Assessment makes clear that climate change is happening today, and faster than we expected. H.R. 3301 allows increased carbon emissions by providing an export route for Canada's tar sands and puts the U.S. at risk of a catastrophic spill on our soil. For these reasons and others, I urge my colleagues to oppose it.