

# Internet Governance Bill Sweeps Too Broadly

by [Emma Llansó](#) [1]

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Today, the House Energy & Commerce Subcommittee on Communications and Technology is considering [a bill](#) [2] on the policy of the United States on Internet governance. CDT joined the Open Technology Institute in [a letter](#) [3] to members of the Committee urging them to reject the current text of the bill and reaffirm their support for the current system of Internet governance in a more nuanced way.

The draft bill takes the language of last year's [WCIT](#) [4]-specific [Congressional Resolution](#) [5] and turns it into a general statement of US policy. But context matters: The 2012 resolution was responding to concerns that revisions to the [ITU's telecommunications treaty](#) [6] could grant the intergovernmental body power to dictate or constrain domestic policy development. Specific proposals, made by a number of other governments, sought to change the way traffic is [routed through the network](#) [7] and create charging schemes that could restrict users' ability to [access to content](#) [8]. In light of these proposals, Congress took a strong stand against government-led efforts to restrict the free flow of information online.

We're concerned, however, that when incorporated into a permanent and broadly applicable statement of policy, the bill's imprecise language about a "global Internet free from government control" could be used by parties seeking to weaken existing legal and regulatory framework that protects users' rights. In an obvious example, opponents of Internet neutrality rules have long (and [mistakenly](#) [9]) characterized them as "government control of the Internet," and would happily claim congressional passage of the current legislation as an indication that Congress frowns on any and all neutrality rules. More broadly, while reasonable people might disagree about the need for particular regulations, the point of a democratic society is that we have these debates, and empower a legislature to pass well-considered, narrowly defined laws if they are considered necessary for the protection of individuals' rights. Congress should not inadvertently imply that major areas of policy debate should be off-limits.

"Internet governance" can be an amorphous topic. In some contexts, it is used to refer fairly narrowly to the critical Internet resource allocation performed by [ICANN](#) [10] and regional Internet registries; in others, it encompasses a much broader range of activities. In CDT's view, Internet governance and policymaking happens at many levels (local, national, regional, and international), in a variety of modes (voluntary technical standards, best practices, legislation, etc.), through the activities of a diverse set of stakeholders that includes technical experts, industry, human rights advocates, and, where appropriate, governments. Targeted legislation that is developed by a democratically elected Congress and reviewable by courts bound by the Constitution has an important place in this system.

We also caution Congress against signaling that the United States believes the status quo of Internet governance is wholly satisfactory. While we certainly agree that the decentralized multistakeholder model of Internet governance has helped foster the remarkable growth of the Internet, the current implementation leaves room for improvement, particularly with regard to increasing participation from stakeholders in developing countries. We hope that Congress can focus its efforts on Internet governance toward strengthening and diversifying existing multistakeholder venues.

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## Links:

- [1] <https://cdt.org/personnel/emma-llans%C3%B3>
- [2] <http://docs.house.gov/meetings/IF/IF16/20130410/100632/BILLS-113pih-InternetGovernance.pdf>
- [3] [https://www.cdt.org/files/file/CDT-OTI\\_NetGovernanceBill.pdf](https://www.cdt.org/files/file/CDT-OTI_NetGovernanceBill.pdf)
- [4] <https://www.cdt.org/blogs/emma-llanso/2012making-sense-wcit-it%E2%80%99s-complicated>
- [5] <http://www.govtrack.us/congress/bills/112/hconres127/text>
- [6] <https://www.cdt.org/issue/ITU>
- [7] [https://www.cdt.org/files/pdfs/ITU\\_Cybersec-short-format.pdf](https://www.cdt.org/files/pdfs/ITU_Cybersec-short-format.pdf)
- [8] <https://www.cdt.org/blogs/cynthia-wong/2106radical-proposal-now-table-itu>
- [9] <https://www.cdt.org/paper/myths-about-fccs-internet-openness-rules>
- [10] <http://www.icann.org/>