

June 13, 2006

Dear Friend:

Last week, the U.S. House of Representatives passed the Communications Opportunity, Promotion, and Enhancement (COPE) Act of 2006 by a vote of 321-101. The COPE Act is a broad, bipartisan telecommunications bill designed to bring choice and competition to television and the Internet, which have been hindered by outdated government regulations. I supported the COPE Act because it will bring faster broadband in more places, especially in rural areas like those in New Mexico, by boosting deployment of high-speed broadband as telephone providers upgrade their networks to offer video service. The COPE Act will also bring more jobs and make the U.S. more competitive in the global economy when telephone companies make new investments in advanced networks.

During consideration of the COPE telecommunications bill, the issue of net neutrality took center stage. A general definition of net neutrality includes the principles that owners of the networks who compose and provide access to the Internet should not control how consumers lawfully use that network; and should not be able to discriminate against content provider access to that network. Basically, this concept breaks down into the idea that every webpage should be equally accessible and that website providers should maintain an equal foundation for new web content providers.

Subsequent to last Thursday's vote, I began receiving calls spurred by an accusation that I did not support network neutrality, but let me be clear: I am a strong supporter of these principles and I believe the information disseminated last week to be a mischaracterization of my position. Reflective of my support is the vote I cast last week in favor of the net neutrality amendment offered by U.S. Representatives Edward Markey (MA), Anna Eshoo (CA), Rick Boucher (VA) and Jay Inslee (WA). This amendment sought to enforce the Federal Communications Commission's 2005 broadband policy statement with explicit network neutrality requirements. I believe Congress should enact this type of neutrality provisions to prevent discrimination resulting from bottleneck taxes from broadband networks. As a member of the Small Business Committee, I also believe that if a measure like this is not passed, it could affect small businesses and the digital economy by imposing access tolls to access high bandwidth users. If service providers begin imposing fees to those website creators, the openness and fundamental nature of the Internet as it has been formed will be compromised.

Unfortunately, last Thursday, the Markey, Eshoo, Boucher, Inslee net neutrality amendment failed by a vote of 152-269 and was not attached to the larger COPE

telecommunications Act. Although I supported passage of the COPE Act, that does not discount my belief that the principles of network neutrality should be passed into law. In fact, Reps. Inslee and Boucher -- original cosponsors of the net neutrality amendment -- also voted in favor of the COPE Act's final passage.

You may be interested to know that several pieces of legislation, which I support, have been introduced and narrowly focus on network neutrality. These pieces of legislation have been referred to various committees, where they are being considered. This issue is far from dead, and rest assured that I will continue to keep you informed as the fight for network neutrality continues in Congress.

Very Truly Yours,

Tom Udall

Member of Congress