

REPRESENTATIVE RICK BOUCHER*

By the late 1980s, technological innovations, such as the advent of fiber optics, made it possible to open monopoly communications markets to competition. Consumers, communications companies, and members of Congress saw the opportunities that creating competition in communications services would provide for robust infrastructure investments, market pricing for services and broader public access to information.

On the House Energy and Commerce Subcommittee on Telecommunications and Finance, we began a long process of holding hearings, introducing early legislative drafts and proceeding to markups and floor consideration of bills. The culmination of that effort was the Communications Act of 1996.¹ The first seeds for the Act were planted in 1989 with a proposal I co-authored with then Senator Al Gore to allow telephone companies to offer cable television service inside their telephone service areas.² That amendment to the cross-ownership restriction of the 1984 Cable Act became the first plank in the Telecommunications Act of 1996.³

Over time, additional planks were added. The monopoly local telephone exchange was opened to competition.⁴ The long-distance market was made more competitive by enabling the Bell Regional Operating Companies to offer nationwide long-distance service once they had fully established that their local telephone exchanges were open to voice competition,⁵ and the Bell companies were given the permission to manufacture telecommunications equipment.⁶

In the same timeframe that the '96 Act made communications markets competitive, the Clinton administration and the FCC adopted a light touch regulatory approach for the nascent fiber-optic broadband network. That farsighted decision ignited a virtual explosion in broadband investments and created the foundation for the modern Internet which is now the preferred medium for communications of all kinds.

The 1996 Telecommunications Act was a product of bipartisan cooperation in both the House and the Senate. It passed in both bodies by overwhelming margins. As we mark the twentieth anniversary of the Act, we are reminded that landmark achievements in Congress rarely happen on a partisan basis. The nation now faces new communications policy challenges

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1. Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 118 (codified as amended in scattered sections of 47 U.S.C.).

2. See Cable Competition Policy Act, H.R. 2437, 101st Cong. (1989).

3. See Telecommunications Act, § 202(i) (amending telephone company/cable cross-ownership restrictions contained in 47 U.S.C. § 533(a)).

4. 47 U.S.C. § 251 (2012).

5. 47 U.S.C. § 271 (2012).

6. 47 U.S.C. § 273 (2012).

ranging from transitioning from the circuit switched telephone network to an all IP network, finding effective ways to transition large allocations of spectrum from government ownership to commercial auctions and securing a durable foundation for network neutrality protections. Just as for the '96 Act, bipartisan cooperation will be the key to legislative success.