May 2, 2017

Support the Restoring Internet Freedom Act, S. 993

On behalf of our activist community, I urge you to contact your senators and ask them to cosponsor the Restoring Internet Freedom Act, S. 993, introduced by Sen. Mike Lee (R-Utah). The bill would repeal the Federal Communications Commission's 2015 Open Internet Order, through which the agency claimed regulatory power over the Internet, designating Internet service providers (ISPs) as "common carriers" under Title II of the Communications Act of 1934.

In 1996, a Republican-controlled Congress passed the Telecommunications Act by overwhelming margins in both chambers. The bill stated that the "policy of the United States" is "to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation." President Bill Clinton signed this bipartisan bill into law.

The Internet, as FCC Chairman Ajit Pai has noted, is the "greatest free-market success story in history." Private-sector innovation and investment have allowed the Internet to thrive. Today, the Internet represents 6 percent of the United States' economy and more than 10 million jobs. This, of course, does not take into account the indirect impact of the Internet and how it has changed virtually every industry, expediting information sharing and exchange of goods and services, whether a consumer is searching for an apartment or a new car.

The bipartisan light-touch approach taken by President Clinton and the Republican-controlled Congress and the Federal Trade Commission, which, until 2015, had regulated ISPs for more than 20 years, certainly paid off.

Unfortunately, in 2015, the Federal Communications Commission (FCC), at the insistence of President Barack Obama, issued the Open Internet Order, claiming power to regulate ISPs as "common carriers" under Title II of the Communications Act of 1934. This archaic law was meant to regulate a Depression-era telephone monopoly.

While supporters of the FCC's Open Internet Order claim that such a regulatory framework was necessary to ensure competition, the hurdles that have been put in place will only prohibit

competition by handing new and smaller ISPs crippling regulatory costs. As a result of this power grab by the FCC, broadband capital expenditures have declined. More than 20 smaller ISPs have halted or slowed development of their services.

The Restoring Internet Freedom Act would nullify the FCC's 2015 Open Internet Order and prevent the FCC from reissuing a similar rule unless a future law specifically authorizes it.

The Internet is a powerful tool and an example of a free market success. Americans should be wary of any attempt by the federal government to regulate it, which could result in threats to free speech and privacy. For these reasons, I urge you to contact your senators and ask them to cosponsor the Restoring Internet Freedom Act, S. 993.

Sincerely,

Adam Brandon
President, FreedomWorks