



January 22, 2018

Dear Senators & Representatives:

We, the undersigned organizations, representing millions of taxpayers and consumers nationwide, urge Congress to oppose usage of the Congressional Review Act to overturn the Federal Communications Commission's (FCC) Restoring Internet Freedom Order.

For years, the Internet thrived and expanded into what we know today under the light-touch regulatory framework established under the 1996 Telecommunications Act. That legislation, enacted in bipartisan fashion, allowed the web to grow rapidly, revolutionizing commerce around the world, creating countless jobs, and improving the lives of billions, all while keeping reasonable consumer protection mechanisms in place.

Former FCC Chairman Tom Wheeler's 2015 decision to classify the Internet as a public utility under Title II was a solution in search of a problem, and disrupted the Federal Trade Commission's (FTC) tried and true approach. **Three unelected bureaucrats undertook the new Title II decision, whereas the prior classification was passed after long deliberation between elected representatives from both parties.** This is not the way policy should be conducted, especially in an area that has such a substantial impact on the U.S. economy.

The FCC's Restoring Internet Freedom Order undoes this hasty, irresponsible measure. It upholds the principle that **the power to change the law rests exclusively with Congress, not unelected bureaucrats.**

Contrary to assertions that, without Title II internet service providers (ISPs) would be essentially unregulated, Title I allows the Federal Trade Commission, Department of Justice, and state Attorneys General to police unfair, deceptive, and anti-competitive behavior by ISPs.

The best consumer safeguard in any market is always vigorous competition. Title II regulation is antithetical to this fundamental principle. Since the prospect of Title II regulation was first floated at the FCC in 2010, investment is \$200 billion behind projections. Such public utility-style regulation also has a proven history of boxing-out more innovative startups in other sectors, while entrenching existing firms.

This lack of investment exacerbates the digital divide between rural and urban communities. The net cannot be neutral if government regulations deny access to the most vulnerable in our society. This is the reason why Democrats, such as Clinton administration FCC Chairman Bill Kennard, Senator Ron Wyden, and former Senator John Kerry all supported a Title I approach versus Title II for broadband Internet.

We urge you to oppose use of the Congressional Review Act on this matter. A CRA disapproval resolution would restore and make the FCC's 2015 overreach permanent - the FCC could not disclaim Title II powers over the Internet.

Congress had the wisdom to allow a system that permitted business to thrive and still shielded consumers. Under Title II, the American people got neither.

While we believe that the FTC, DOJ and state Attorneys General already have robust powers, there may be a need for additional legislation. However, that is a decision for Congress, not unelected bureaucrats.



It is for these reasons that we ask members of Congress to oppose any attempts to use the Congressional Review Act to overturn the Restoring Internet Freedom Order.

Sincerely,



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President
Americans for Tax Reform

Adam Brandon
President
FreedomWorks



Lisa B. Nelson
CEO
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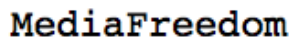
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