

March 7, 2017

The Honorable John Thune
Chairman, Senate Committee on Commerce, Science & Transportation
Washington, DC 20510

The Honorable Bill Nelson
Ranking Member, Senate Committee on Commerce, Science & Transportation
Washington, DC 20510

Dear Chairman Thune and Ranking Member Nelson,

We, the undersigned organizations and trade associations, thank the Senate Commerce, Science, and Transportation Committee for holding its oversight hearing of the Federal Communications Commission (“FCC”) and congratulate Commissioner Ajit Pai on his designation as Chairman.

We oppose the FCC's midnight Broadband Privacy Rule, which was adopted just days before last year's election, and urge Congress to use the Congressional Review Act (“CRA”) to disapprove this innovation-inhibiting regulation.

The rule harms consumers because it creates confusion in a regulatory environment in which customer data is regulated by two different agency standards, based on whether information is used by an internet service provider or edge provider. Last year, Chairman Pai testified before Congress about the negative effects of the FCC tearing up the unified approach to privacy regulation that was previously administered by the Federal Trade Commission (“FTC”). In fact, the FCC refused to adopt the FTC's recommended privacy framework, which has served customers well for years. The FCC provided no evidence to substantiate the proposition that broadband providers respected consumer privacy any less than other members of the internet ecosystem.

Last month, a leading representative of the technology sector testified before this Committee that the rule may set a dangerous precedent for the entire internet ecosystem. Consumers enjoy the advertising-supported internet and innovation, and investment thrived before the rule's adoption. The FCC's rule also threatens the economic health of broadband providers whose infrastructure is critical to new technologies like 5G and the Internet of Things.

If Congress employs the CRA to disapprove the rule, customers will still enjoy reasonable privacy protections under Section 222 of the Communications Act.

Congress should disapprove of this anti-consumer data rule so that the new Chairman and Commission can focus on removing other regulatory hurdles to innovation and restore regulatory balance to broadband service and the rest of the Internet ecosystem.

Sincerely,

American Consumer Institute
 Americans for Tax Reform
 AMT- The Association for Manufacturing Technology
 Competitive Enterprise Institute
 Consumer Technology Association
 Council for Citizens Against Government Waste
 CTIA ®
 Digital Liberty
 Electronic Transactions Association
 Interactive Advertising Bureau
 National Association of Manufacturers
 National Black Chamber of Commerce
 NCTA - The Internet & Television Association
 Small Business & Entrepreneurship Council
 Taxpayers Protection Alliance
 Tech Knowledge
 U.S. Chamber of Commerce
 USTelecom



U.S. CHAMBER OF COMMERCE

cc: Members of the Senate Committee on Commerce, Science & Transportation