

**Opening Statement of Chair Cathy McMorris Rodgers
Subcommittee on Communications and Technology
“Oversight of the Federal Communications Commission”
November 30, 2023**

(As Prepared for Delivery)

Good morning, and thank you, Chairman Latta.

Chairwoman, Commissioners - welcome back to the Committee on Energy and Commerce.

I'd like to echo my colleagues' congratulations to Commissioner Gomez on your confirmation, and also to Commissioners Carr and Starks on your reconfirmations.

I look forward to working with you.

NET NEUTRALITY

A top priority for Energy and Commerce is closing the digital divide, and the FCC plays a key role in that effort.

In 2020, Congress passed the Broadband DATA Act, which directed the FCC to update the agency's broadband maps to provide a more accurate perspective on which parts of the country are served and unserved.

More than \$42 billion in federal funding has been allocated to deploying broadband in unserved areas to ensure all Americans are connected. This is in addition to the funding already provided by the FCC through various programs.

This Committee also passed legislation to lift broadband permitting burdens to make sure every dollar provided by Congress goes toward serving Americans.

However, recent actions taken by the FCC threaten the success of these federal funding programs.

The Biden FCC, under Chairwoman Rosenworcel, is once again attempting to regulate broadband as a public utility under Title II of the Communications Act of 1934.

This heavy-handed regulatory approach was designed to regulate monopolies.

But today's competitive broadband market is far from a monopoly.

This is apparent, as the Chair's Order plans to forebear from **twenty-seven** provisions in Title II and **more than 700 regulations**.

The last time we had this debate during the Trump Administration, Democrats claimed that the Internet as we knew it would end. . .

. . . that we would get the Internet one-word-at-a-time. . .

. . . and that repealing net neutrality would hasten the death of the Internet.

Since the repeal of the Democrats' last broadband takeover effort in 2017, investment in broadband networks is up, speeds are up, and prices are down.

Our broadband networks withstood the ultimate stress test during the COVID-19 pandemic, enduring increased usage without needing government intervention.

We must maintain the current light-touch regulatory approach that has allowed our networks to adapt and thrive.

DIGITAL DISCRIMINATION

To further expand the federal government's role in this industry, earlier this month, the FCC approved new rules on digital discrimination.

These new regulations will put burdensome requirements on our nation's broadband providers, leading to government bureaucrats micromanaging Americans' Internet access.

Rather than focusing on intentional discrimination against historically marginalized groups, as Congress intended, the Biden administration is once again unilaterally expanding the power of unelected bureaucrats under the guise of equity.

The FCC's expansive standard for what constitutes discrimination will lead to over-enforcement and regulatory uncertainty for American businesses and job creators.

Under President Biden's broadband takeover, ordinary business decisions, like whether to deploy broadband infrastructure, what rates to charge customers, and even how to market services to communities, could trigger FCC scrutiny.

This is a significant power grab for Federal government bureaucrats.

The reality is, burdensome regulations like these will discourage deployment and innovation, harm our efforts to close the digital divide, and cede our leadership in next-generation technology to China.

2014 vMVPD PROCEEDING

That is why we recently sent a letter to Chair Rosenworcel cautioning against refreshing the record to apply outdated, decades old regulations to an evolving media marketplace.

Since I have not received a response, I will reiterate my concern, and my firm view that changes to the laws that govern the media marketplace need to be done by Congress, not by the FCC.

CONCLUSION

Since operating with a full Commission, this FCC has moved full speed ahead to expand its authority and ignore Congressional intent or direction.

That needs to end.

Instead of pursuing a partisan agenda that leads to more federal control over Americans' broadband services...

... the Chairwoman and the other Commissioners have a responsibility to work with this Committee to carry out the many responsibilities that demand full attention.

Especially when so many critical issues remain unresolved.

For instance, the FCC has still not completed its work to modernize and streamline the satellite licensing process...

...illegal robocalls continue to defraud Americans...

...and while Congress works to reauthorize spectrum auction authority, no spectrum has been identified to make available for commercial use.

These should be demanding the Commission's full attention.

I look forward to discussing these matters today.

Mr. Chairman, I yield back.