

Opening Statement
Chair Cathy McMorris Rodgers
Subcommittee on Communications and Technology Hearing:
“Oversight of the Federal Communications Commission”
July 9, 2023

Good morning, and thank you, Chairman Latta.

Chairwoman and Commissioners - welcome back!

FCC REGULATIONS WILL HARM DEPLOYMENT

Bridging the digital divide is one of this Committee’s top priorities, and it is the FCC’s statutory responsibility to assist us in this effort.

But unfortunately, the FCC has been failing in its mission.

The Commission’s recent action to reclassify broadband Internet access as a public utility under Title II of the Communications Act

. . .

. . . as well as the agency’s broad rules on digital discrimination...

. . . have undermined our efforts to ensure every American has access to broadband.

This could not have come at a worse time.

We are on the verge of closing the digital divide.

Congress has dedicated billions of dollars to achieve this effort, including \$42 billion dollars for Broadband Equity, Access, and

Deployment program at the National Telecommunications and Information Administration.

Those efforts are undercut when the Commission then places heavy-handed regulations and micromanages providers...

... making it harder to encourage participation in these programs, to deploy and operate new networks, and get more people connected.

HISTORY HAS PROVEN TITLE II IS UNNECESSARY

As has already been proven once, Title II is a solution in search of a problem.

It's a century old framework designed to address telephone monopolies, whereas today's broadband marketplace is incredibly competitive.

These regulations will hurt consumers most, resulting in higher prices and slower internet speeds.

The FCC has failed to learn from previous efforts and has no legitimate justification for these heavy-handed regulations.

The talking points that these regulations protect consumers from harmful ISP practices are not rooted in fact and have already been disproven once by the incredible performance of our networks, especially in the wake of the COVID-19 pandemic.

The facts are that speeds are up, investment in broadband networks is up, and prices for consumers are down . . . The fast lanes, blocking, and throttling of traffic that Democrats warned about never transpired.

Our light-touch regulatory environment works and turning away from this success with unnecessary regulations is the wrong action.

UNLAWFUL ACTIONS BY THIS FCC

Reclassifying broadband under Title II is not only bad policy, it is also unlawful.

As the Republicans on both this Committee and the Senate Commerce Committee wrote to the Commission before its decision, the FCC has no authority to reclassify broadband.

That is Congress' job, as the Supreme Court recently confirmed.

The FCC doesn't get to just claim something is necessary for American national security in order to do whatever they want.

That is for Congress to decide, as it has in numerous instances recently with things like our TikTok legislation, establishing the rip-and-replace program, and passing the Secure Equipment Act.

The decision on how to regulate broadband can have significant economic and political consequences, and requires the FCC have clear authorization from Congress in order to act.

When it comes to Title II, we have given the Commission no such authority.

This is not the first time this FCC has exceeded their authority.

Last December, the agency approved rules on data breach notifications that mirror the rules that Congress disapproved of in 2017 through the Congressional Review Act procedures.

The CRA forbids the FCC from enacting rules that are “substantially the same” as those Congress rejected.

And now the FCC is circulating an order that would regulate the use of artificial intelligence in political ads . . .

. . . a task that does not fall under the jurisdiction of the commission, and which drew condemnation from the Federal Election Commission, the independent agency who does hold that authority.

This pattern of the FCC abusing its authority and ignoring Congressional direction is just another example of the Biden Administration’s efforts to assert more federal control over the American people’s lives.

This must end and I look forward to the courts stepping in to overturn these unlawful power grabs.

CONCLUSION

This agency is pursuing a partisan agenda that ignores Congress and fails to solve the **actual** problems impacting Americans...

. . . like illegal robocalls. . .

. . . or permitting reform to help deploy broadband faster . . .

. . . or additional ways to secure our networks from the threats posed by our adversaries.

Today’s hearing presents an opportunity to hold the FCC accountable for its actions.

I look forward to our discussion today.

Mr. Chairman, I yield back.