October 5, 2023

The Honorable Jessica Rosenworcel  
Chairwoman  
Federal Communications Commission  
45 L Street NE  
Washington, D.C. 20554

We write regarding our strong opposition to the Federal Communication Commission’s (FCC’s) proposal to reinstate the heavy-handed, public-utility regulations of Title II of the Communications Act on the internet. Doing so would be an historic mistake.

When the FCC rescinded the Obama-era Title II order almost six years ago, partisans argued that it was the “end of the internet as we know it,”¹ that “you’ll get the internet one word at a time,”² that consumers would have to pay by the tweet,³ and that online access would slow to a crawl.⁴ All such hyperbolic claims have proven false, as even FCC Democrat commissioners have admitted.⁵

The growth of the internet continues to be a great American success story. Broadband investment has increased, deployment has increased, speeds have increased, and high-speed internet access has become more affordable than ever. American networks, freed from obstructive regulations, easily handled the surge in demand during the COVID-19 pandemic.⁶ In contrast, Europe’s heavily regulated internet providers were forced to actively slow down speeds to maintain connectivity.⁷ Indeed, America is now a leader in adopting next-generation telecommunications services like 5G and Wi-Fi 6e while Europe struggles to keep pace.

Re-imposing heavy-handed, public-utility regulations on the internet would threaten the progress our country has made since 2017, and it would steer our country out of the fast lane and into a world of less competition, less choice, less investment, slower speeds, and higher prices.

² Senate Democrats, Twitter post, (Feb. 27, 2018), https://twitter.com/SenateDems/status/968525820410122240.
Further, the FCC lacks this statutory authority over broadband internet access. Any attempt by the FCC to reinstate net neutrality regulations and the onerous rules of Title II on internet service providers will not survive judicial review. The FCC has pushed net neutrality and already lost in court—more than once—and two of President Obama’s former solicitors general have warned that reclassification by the FCC cannot survive the major questions doctrine.\(^8\)

Given the lack of any policy or legal rationale for moving forward with such a proposal, the FCC should not pursue a hyper-partisan, politicized rulemaking.

Our country faces real challenges. A lack of public-utility regulations for the internet is not one of them. Instead, the FCC and the Biden administration should be focusing on bipartisan efforts to address real problems, such as addressing rampant waste, fraud, and abuse in the federal government’s broadband subsidy programs, and regulatory and permitting obstacles to broadband deployment, both of which divert funds and resources from the goal of connecting unserved Americans.

We urge you to end this charade and shelve this fifth attempt to adopt so-called “net neutrality” regulations.

Sincerely,

John Thune  
United States Senator

Ted Cruz  
United States Senator

Mitch McConnell  
United States Senator

John Barrasso, M.D.  
United States Senator

Joni K. Ernst  
United States Senator

Shelley Moore Capito  
United States Senator

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Steve Daines
United States Senator

Chuck Grassley
United States Senator

Jerry Moran
United States Senator

Kevin Cramer
United States Senator

Thom Tillis
United States Senator

Roger Marshall, M.D.
United States Senator

Roger F. Wicker
United States Senator

Tim Scott
United States Senator

Cynthia Lummis
United States Senator

Tommy Tuberville
United States Senator

Rick Scott
United States Senator

Mike Crapo
United States Senator
Ted Budd
United States Senator

Markwayne Mullin
United States Senator

M. Michael Rounds
United States Senator

John Hoeven
United States Senator

Lindsey Graham
United States Senator

Rand Paul, M.D.
United States Senator

Deb Fischer
United States Senator

Pete Ricketts
United States Senator

Katie Boyd Britt
United States Senator

John Boozman
United States Senator

Mike Lee
United States Senator

Cindy Hyde-Smith
United States Senator

Mitt Romney
United States Senator