



OFFICE OF COMMISSIONER BRENDAN CARR

Carr Opposes President Biden’s Unlawful Plan for Expanding Government Control of the Internet *FCC Sets April 25 Vote on President Biden’s Plan*

WASHINGTON, DC, April 3, 2024—FCC Commissioner Carr issued the following statement:

President Biden’s plan is to increase government control of the Internet. Today, the FCC announced that the Commission will vote on April 25 to further expand the government’s power over the Internet. It will do so by implementing President Biden’s call for the FCC to impose utility-style “net neutrality” regulations on the Internet through Title II of the Communications Act of 1934.

This decision follows the five-member FCC’s partisan, 3-2 [vote](#) last October to seek public comment on this action. And it comes on the heels of President Biden’s demand that the FCC give the Administrative State new controls over the Internet through “[digital equity](#)” rules, which the agency did last November through a party-line vote. All of these steps are part of the Biden Administration’s plan for expanding government control of the Internet.

I oppose President Biden’s plan. The American people want more freedom on the Internet—not freewheeling micromanagement by government bureaucrats.

President Biden’s plan rests on a scattershot of pretextual justifications. Six years ago, Americans lived through one of the greatest hoaxes in regulatory history. When my Republican FCC colleagues and I overturned the Obama Administration’s failed, two-year experiment with government control of the Internet in 2017, Title II proponents predicted the “[End of the Internet as we know it](#)” and that “[you’ll get the Internet one word at a time.](#)” None of the apocalyptic predictions came to pass. Instead, Americans benefited from lower prices, faster speeds, increased competition, and accelerated Internet builds.

Americans’ own experiences have demonstrated that Title II is a solution that doesn’t work to a problem that doesn’t exist. But Title II activists are still full steam ahead. Gone are the old justifications—replaced with new ones. None of them withstand even casual scrutiny. The goal posts have moved, but the goal remains the same: increasing government control.

President Biden’s inexorable march towards rate regulation continues. Whether its President Biden’s “digital equity” rules and their application to pricing, the Administration’s signature “Internet for All” regulations and their approach to rate regulation, or these new Title II rules, the Biden Administration continues to embrace the policy of rate regulation. There is no more surefire way for the Administration to kill off investment than continuing down this path. It should reverse course.

President Biden’s plan will hit Americans in their pocketbooks. Since 2017, the prices Americans pay for Internet services have *decreased* in real terms. Meanwhile, the prices Americans pay for [utility-regulated](#) services like electricity, water, and gas have *increased* substantially. Monopoly regulations invariably lead to monopoly prices.

President Biden’s plan is a regulatory overreach that will hold broadband builders back. The Biden Administration is failing to deliver on its promise of connecting all Americans to high-speed Internet services. It is doing so because it continues to prioritize partisan political goals over smart broadband policies. Title II is just another regulatory onslaught from Washington that will increase the costs that broadband builders are facing and stifle innovative, pro-consumer like 5G network slicing. Indeed, the record definitively established that the FCC’s 2015 experiment with Title II regulations chilled investments by small ISPs that serve rural communities.

President Biden’s plan is a big gift to Big Tech. As the past few years have made clear, Big Tech companies have engaged in a discriminatory pattern of gatekeeper conduct—from censoring free speech to freezing payment accounts to shutting down competitors’ offerings. Yet Big Tech companies have been some of the longest and deepest-pocketed backers of “net neutrality” rules. Why? Because those rules heavily regulate their competitors while exempting Big Tech’s own business models. The FCC’s approach is entirely backwards. Indeed, at the very moment when the DOJ is working to hold some Big Tech companies accountable, the FCC is working to extend new protections to those very same corporations through Title II.

President Biden’s unlawful plan will be struck down in court. Two of the leading appellate lawyers that worked for the Obama Administration recently [concluded](#) that any FCC decision to impose Title II regulations on the Internet “would be struck down” as unlawful and “would be a serious mistake.” In their words, Title II rules would represent a “massive waste of resources for the government, industry, and the public, as well as the lost opportunity to pursue more pressing policy goals such as deploying robust broadband service to all Americans.”

I agree. Focusing on advancing the many important policies over which the Commission does have authority—from rural broadband and spectrum to public safety and illegal robocalls—serves the public interest far more than satiating the Biden Administration’s appetite for more control.

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