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## Restoring Internet Freedom Act

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In 2015, the FCC adopted the Open Internet Order that moved regulation of Internet service providers as information services under Title I of the Communications Act, to public utilities under Title II. This rule subjected Internet access to the same regulations that applied to old, wireline telephone service in the early 1900s. Furthermore, it paved the way for the FCC to regulate rates. This rule was enacted without providing evidence of harm or tangible proof that such extreme action was necessary, and the result was a decline in broadband infrastructure investment.

In 2016, and again in 2017, Senator Lee introduced the Restoring Internet Freedom Act, which nullified this rule and prohibited the FCC from adopting a similar rule without explicit authorization from Congress. Later in 2017, the FCC repealed the Open Internet Order and adopted the Restoring Internet Freedom Order that again, placed regulations of the internet under the light-touch Title I. Since then, broadband investment, deployment, and Internet speed increased and costs lowered.

Unfortunately, with the recently established 3-2 Democratic majority, the FCC adopted a notice of proposed rulemaking on a revamped Open Internet Order during its Open Commission Meeting on October 19, 2023. If finalized, this rule will once again move regulation of the Internet under heavy-handed Title II, threatening current gains and potential growth. To prevent this misguided rule, Senator Lee is introducing the Restoring Internet Freedom Act, updated to nullify the pending rulemaking.

### **Bill Specifics**

- States that the rule proposed by the FCC, Docket Number 23-320 on October 19, 2023, shall have no force or effect.
- States that the Commission may not reissue such rule in substantially the same form, or issue a new rule that is substantially the same as such rule, unless the reissued or new rule is specifically authorized by a law enacted after the date of enactment of the bill.
- Uses the definition of rule from section 804 of title 5 U.S.C.

For more information concerning this bill, please contact Annie Tutor ([annie\\_tutor@lee.senate.gov](mailto:annie_tutor@lee.senate.gov)) or Emme James ([emme\\_james@lee.senate.gov](mailto:emme_james@lee.senate.gov)).