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Free Markets. Real Solutions.
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April 8, 2019

House of Representatives
Washington, D.C. 20515

RE: Vote on H.R. 1644, the “Save the Internet Act of 2019”

Dear Representative,

We at the R Street Institute (“R Street”) have been writing and speaking about net neutrality for years,¹ including by filing regulatory comments with both the Federal Communications Commission (“FCC”) and Federal Trade Commission (“FTC”) on the matter.² However, the longstanding regulatory battles over net neutrality are seemingly intractable. For that reason, we have consistently called for Congress to resolve the matter and provide long-term certainty to both industry and consumers by codifying strong net neutrality protections into law through bipartisan legislation.³

Unfortunately, H.R. 1644, the “Save the Internet Act of 2019,” is not bipartisan, as it merely seeks to restore the FCC’s 2015 Open Internet Order, which was itself politically divisive and passed 3-2 on a party-line vote. Instead of more hyperbole and sloganeering,⁴ Americans need genuine compromise and a

¹ See, e.g., Tom Struble & Joe Kane, “R Street on Net Neutrality,” *R Street Institute* (Feb. 25, 2019), <http://bit.ly/2OQVxyN>; Joe Kane, “Joe Kane Talks Net Neutrality on Mike Check,” *R Street Institute* (Dec. 18, 2017), <http://bit.ly/2OTEwUp>.

² See, e.g., Tom Struble & Joe Kane, “Comments of R Street Institute,” *In re Restoring Internet Freedom*, WC Docket No. 17-108 (July 17, 2017), <http://bit.ly/2OQ5wUZ>; Tom Struble & Joe Kane, “Reply Comments of R Street Institute,” *In re Restoring Internet Freedom*, WC Docket No. 17-108 (Aug. 30, 2017), <http://bit.ly/2OYISdj>; Tom Struble et al., “Comments of R Street Institute,” *In re Competition and Consumer Protection in the 21st Century Hearings—Topic 2: Competition and Consumer Protection Issues in Communication, Information, and Media Technology Networks*, Docket No. FTC-2018-0049 (Aug. 14, 2018), <http://bit.ly/2OYISdj>.

³ See, e.g., Tom Struble, “Codifying Net Neutrality Through Bipartisan Legislation,” *R Street Institute* (March 14, 2018), <http://bit.ly/2uKcIc6>; Tom Struble, “The FCC’s Computer Inquiries: The Origin Story Behind Net Neutrality,” *Morning Consult* (May 23, 2017), <http://bit.ly/2OTEVX5>.

⁴ See Joe Kane, “Does the Internet Still Exist!?!: Fact-checking Net Neutrality Doomsday Predictions,” *R Street Institute* (June 11, 2018), <http://bit.ly/2uT7Q4d>.



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fresh approach to net neutrality. That is why R Street opposed efforts to simply restore the 2015 Open Internet Order in the previous Congress,⁵ and it is why we oppose H.R. 1644 now.

There is significant scholarly debate over the impact that Title II classification has had on network investment,⁶ and over the FTC's ability to adequately safeguard net neutrality.⁷ But the core tenets of net neutrality enjoy substantial bipartisan support. Therefore, members of both parties should be able to find common ground and agree upon a bipartisan framework for net neutrality, and R Street has offered several suggestions for them to consider.⁸

While we oppose H.R. 1644, we remain supportive of legislative efforts in this area, and we would be happy to work with members of both parties to craft a bipartisan resolution to the longstanding fight over net neutrality.

Sincerely,

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⁵ See Sasha Moss & Tom Struble, "R Street Coalition Letter to Encourage Members to Find a Legislative Solution to Net Neutrality and Not Sign on to the CRA," *R Street Institute* (Sept. 18, 2018), <http://bit.ly/2uNaU1M>.

⁶ See, e.g., Joe Kane, "Net Neutrality's Effect on Investment: It's Complicated," *R Street Institute* (Dec. 12, 2017), <http://bit.ly/2ORTVVe>.

⁷ See, e.g., Roslyn Layton & Tom Struble, "Net Neutrality Without the FCC?: Why the FTC Can Regulate Broadband Effectively," 18 *Fed. Soc. Rev.* 132 (2017), <http://bit.ly/2OQTL0B>.

⁸ See, e.g., Tom Struble, "Codifying Net Neutrality Through Bipartisan Legislation," *R Street Institute* (March 14, 2018), <http://bit.ly/2uKcIc6>.