The Daily Dish

Internet “Day of (In)Action”

DOUGLAS HOLTZ-EAKIN, PATRICK HEFFLINGER | JULY 12, 2017

Yesterday Senate Majority Leader Mitch McConnell (R-KY) announced that he has decided to delay August recess until August 14th. While Senate Republicans are expected to use the extra session days primarily to finish work on their Obamacare repeal and replacement bill, McConnell said there are plenty of other tasks to be completed before the Senate recesses, including work on the National Defense Authorization Act (NDAA). Senator McConnell also stated that he hopes to hold a debt ceiling vote before adjourning for August recess.

On Tuesday the Department of Transportation’s (DOT) National Highway Traffic Safety Administration (NHTSA) released notices delaying the implementation of higher penalties for automakers whose vehicles violate federal fuel efficiency standards. The increase, finalized last year under the Obama Administration and intended to “keep pace with inflation,” would increase penalties to $14 for each tenth of a mile per gallon, per car sold by automakers in violation of the standard, starting in 2019. The notices are set to be published in the Federal Register today. The NHTSA said the delay is a result of the Trump Administration’s desire to reconsider the penalties. The current $5.50 penalty will stay in place indefinitely until the administration comes to a final decision on the increased penalties.

Eakinomics: Internet “Day of (In)Action”

Today is an Internet “Day of Action” on “network neutrality.” But in reality, it should be called “Day of Inaction” because the goal is to support no change to the Obama-era Federal Communications Commission (FCC) network neutrality rules. In one of the the most bitter policy battles of the Obama era, then-President Obama strong-armed a supposedly independent FCC into adopting the regulation under Title II of the Telecommunications Act. Regulating the Internet like a monopoly telephone service in the 1930s was never a good idea. Keeping those rules in place is a mistake.

In enacting the rules, the FCC gave itself broad discretionary authority, going so far as to worry even some of the most ardent supporters of network neutrality. In reclassifying the Internet, the FCC assumed the power to push for privacy rules that had never been approved, to determine the contour of interconnection agreements, to potentially regulate consumer broadband service rates, and to wade into cybersecurity regulation. It did so even though there was no real problem to be solved; violations of the open Internet are rare, an admission the FCC buried in a footnote. The overreach was simply unwarranted.

The Day of Action is designed to convince you that the 2015 rules based on Title II reclassification are the only way to keep cable and telephone companies in line. But as AAF has explained before, there are countless options to ensure the Internet is kept open and free. The problem is that Congress has never written these kinds of rules into statute. There is less of a disagreement about what constitutes good behavior on the Internet, and much more a question of the legal authority of the FCC. There is a reason the FCC has been repeatedly rebuked by the courts and the only way out of this mess is legislative action.

So, yes, there should be a genuine day of action, but it should be to call on Congress to pass real network neutrality legislation.