Written Testimony of

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Before the

**Congress of the United States**
**House of Representatives**
**Committee on Energy and Commerce**
**Subcommittee on Communications and Technology**

Regarding

**"The Telecommunications Act of 1996: 30 Years Later"**

March 26, 2026

Chairman Hudson and Ranking Member Matsui, Chairman Guthrie and Ranking Member Pallone, and members of the Subcommittee: thank you for inviting me to testify again, and for seeking Free Press Action's views on this milestone anniversary for the Telecommunications Act of 1996.

These kinds of hearings about the developments in the law, in these markets, and in the technologies we've seen come and go over three decades, often look back to laugh at now quaint-sounding tech trends and touchstones. If I had a nickel for every time I've seen someone pull out a smartphone and point at it on a panel like this one . . . well, I'd have several nickels.

What I'd like to do today instead is look forward to what Congress and federal agencies still must do to fulfill the 1996 Act's goals. I'll also comment on the severe and sometimes shocking departures the current FCC Chairman has made from longstanding Commission practice and precedent, often thumbing his nose at Congress's laws and the Constitution as he does. Meanwhile, the Trump NTIA ironically prescribed more delay as a remedy for delays it complained of in the last administration, and BEAD funding is barely flowing at last.

Despite those threats, and years of industry lobbying against the supposed flaws in this law, anyone who was involved with its passage will tell you that Members writing this landmark legislation knew full-well they were paving the way for the internet revolution just then dawning.

**There are timeless truths in the 1996 Act**. Places your predecessors got it exactly right, not always in the terms they used, but the values they espoused. We must continue the work to honor those principles, to restore a solid jurisdictional basis for public oversight of broadband internet access service, and update broadband affordability subsidies to provide progressive funding for an adequate benefit when market forces alone won't make internet affordable for all.

One place I will criticize the 1996 Act itself, however, is the language that required what became the FCC's quadrennial review of its broadcast regulations. That recurring proceeding was dragged out by court battles, in an era marked by the agency's undue permissiveness in merger after merger. But while the Commission was instructed long ago that the quadrennial process does not demand deregulation no matter the consequences, that's what we've seen. The latest crescendo of consolidation and capitulation came just last week, with Brendan Carr's shockingly shoddy decision to ignore the evidence and even the laws Congress wrote – designed to not only approve the Nexstar/TEGNA merger, but to evade public scrutiny or judicial review.

The Trump Administration has used these merger processes and every other tool it can find to intimidate media companies, coerce newsrooms into favorable coverage, and seek essentially a state press subservient to the government's whims. Calling for propaganda while labeling it as "patriotism" does nothing to disguise the ugly, chilling impacts of purported First Amendment champions now threatening treason charges against news outlets.

The first Trump Administration also talked more frequently about Section 230 of the Communications Act in this same vein, as a tool for steering private actors' content moderation choices instead of honoring them. That talk has quieted to some degree, but we should still discuss that the FCC and NTIA have no place "enforcing" or even interpreting Section 230 in ways they have pantomimed these last several years in a 2020 proceeding then in Project 2025. Likewise, they have no place using the Act to preempt state laws on Artificial Intelligence, no matter whether the White House or Congress itself unwisely decides to pursue such preemption. There are valid policy questions for Congress on Section 230 and AI; but the 1996 Act does not answer them, and the agencies under your jurisdiction here should not pretend they do.

I might say that you could write a book about the 1996 Act and all of these topics. In fact, several people have, and so has Free Press. Several volumes worth, in fact.

There was our book more than 15 years ago now, called "Dismantling Digital Deregulation,"[1] that looked at the 1996 Act's progress when we weren't even halfway to this year's thirtieth birthday. There are veritably thousands of pages of our FCC comments and congressional testimony on broadband oversight,[2] internet affordability,[3] and media ownership policies,[4] and court filings[5] on these same vital topics. There are more recent reports we've done in just the last few months, on the Trump administration's threats to free speech and dissent,[6] at the FCC and across all of government; and on corporate media's distressing capitulation[7] to President Trump's censorship demands as well as his attacks on diversity, equity, and inclusion.[8]

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[1] S. Derek Turner, Free Press, "Dismantling Digital Deregulation: Toward a National Broadband Strategy" (May 2009), https://www.freepress.net/sites/default/files/2018-05/Dismantling_Digital_Deregulation.pdf.

[2] Comments of Free Press, "Safeguarding and Securing the Open Internet," WC Docket No. 23-320 (Dec. 14, 2023), https://www.freepress.net/sites/default/files/2023-12/Free-Press-T2-Comments-Dec23.pdf.

[3] Free Press and Free Press Action, Submission to the Universal Service Fund Working Group (Sept. 15, 2025), https://www.freepress.net/download/free-press-future-usf-comments-pdf.

[4] Comments of Free Press, "Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule," MB Docket No. 17-318 (filed Aug. 4, 2025), https://www.freepress.net/sites/default/files/2025-08/Free_Press_Aug_2025_National_Broadcast_Cap_FCC_Comments.pdf.

[5] Joint Brief for Intervenors, No. 15-1063, *United States Telecom Ass'n v. FCC* (D.C. Cir. filed Sept. 21, 2015), https://www.freepress.net/download/intervenors-brief-filed-sept-21-2015-pdf.

[6] Nora Benavidez, Free Press, "Chokehold: Donald Trump's War on Free Speech & the Need for Systemic Resistance," (Dec. 2025), https://www.freepress.net/download/chokehold-donald-trumps-war-free-speech-and-need-systemic-resistance.

[7] Timothy Karr, Free Press, "A More Perfect Media: Saving America's Fourth Estate from Billionaires, Broligarchy and Trump" (July 2025), https://www.freepress.net/sites/default/files/2025-07/a-more-perfect-media-saving-americas-fourth-estate-from-billionaires-broligarchy-and-trump-final.pdf.

[8] Ruth Livier, Free Press, "Complicit: Corporate Media's Capitulation to Trump's Attacks on Diversity, Equity and Inclusion" (Jan. 2026), https://www.freepress.net/sites/default/files/2026-01/complicit_corporate_media_capitulation_trump_attacks_dei.pdf.

Luckily for everyone (and especially for your diligent staff!) I will not attempt to catalogue them all comprehensively today – much less condense them into a 5-minute statement and answers to your questions. But I'll focus on four of the topics outlined above, and introduce some new research on just one point: a brief analysis we've done for this hearing on the topic of broadband pricing trends as millions of Americans struggle to make ends meet.

This Subcommittee, and the agencies it oversees, should focus on four things:

1. **Establishing solid ground once again for federal oversight of our nation's broadband telecommunications services and networks**, wrongly stripped away by the Sixth Circuit's January 2025 decision on the Biden FCC's Title II classification decision.
2. **Investing public funds to make broadband affordable for everyone**, with a renewed Affordable Connectivity Program or other Lifeline enhancement, and with a more robust user subsidy funded through progressive methods rather than a larger regressive contribution borne solely by residential broadband customers.
3. **Promoting actual diversity in broadcasting viewpoints and ownership**, not using the merger review process and seemingly inexorable corporate media consolidation to keep draining away civic information and community-oriented outlets, nor weaponizing that slide towards monopoly to chill free speech and freedom of the press.
4. **Steering well clear of online content regulation and or AI preemption**, where agencies like the FCC and NTIA have no proper role on the basis of the 1996 Act – and should have no role implementing such bad ideas as these going forward either.

Getting this all right will take a lot of work – though hopefully not another full thirty years. And admittedly, some of my prescriptions outlined above and discussed in the next few pages are about things that the government should not do, either at all or at least through the agencies under your jurisdiction. The Telecom Act of 1996 was not perfect when written, and it's certainly not been implemented perfectly. It is not a panacea for any and every technology policy question. But it was when passed, and remains today, a good roadmap for network infrastructure rules even though it was a dangerous detour for preserving broadcast diversity.

## 1. Restoring Broadband Internet Access Service Oversight at the FCC.

The FCC has on several occasions abdicated the authority that Congress gave it over the essential service we now call broadband. Free Press and allies have explained time and time again the baseless nature of ideological attacks on the 1996 Act's definitions and on its authors' understanding about the internet era to come. The forward-looking and future-proofed definition of "telecommunications service" written into that law is technology neutral. It perfectly describes what broadband internet access still does today. These vital networks offer people a quintessential transmission service: the ability to send information of the users' own choosing. without the broadband carrier interfering with or altering that content.

While we maintain that this is still the best reading of the law, the Sixth Circuit Court of Appeals reviewing the Rosenworcel FCC's classification decision in its "Safeguarding and Securing the Open Internet" decision found otherwise. That decision was poorly reasoned, and just plain wrong. The judges put forward a baffling, almost metaphysical distinction between voice calls transmitted over IP-enabled networks and other kinds of information transmitted to computers. (And if that sounds confused, it is.)

Yet Free Press and fellow intervenors in that case decided not to pursue it all the way to this partisan and political Supreme Court. We've reached the end of a too-long and tiresome series of word games about what a "telecom service" is. Some people, and especially some cable and phone industry representatives, may see that as a victory. And FCC Chairman Carr likes to take credit – falsely and wrongly – for broadband marketplace developments that have nothing to do with his laissez-faire shoulder shrugs and do-nothing policies.

Free Press has debunked dozens of times the claim that application of Title II's sensible safeguards and flexible framework dampened private investment in broadband networks. That is simply not true, and you don't have to take our word for it: broadband providers themselves tell Wall Street that their investments are not impacted by these regulatory decisions, even as those same companies claim on K Street that the sky is falling.

Network providers invest when they need to in this high fixed-cost industry, then sit back and reap the rewards of those technological leaps. AT&T once famously explained that broadband spending is "lumpy." AT&T and Comcast invested less in years during the first Trump administration than they did in the annual peaks they reached before the Obama-era Net Neutrality rules were repealed, then started to tick back up again after Trump lost and the Biden FCC entered. This was not because of the regulatory frameworks in place, in either direction, but because FCC oversight of these essential services barely registers in ISPs' calculations.

I need to be clear here: Free Press has not called for the FCC to set rates that broadband providers charge. Competition (when we have it) and community broadband options are far better ways to discipline prices. Not every Title II provision should port over. Both the Wheeler and Rosenworcel FCCs forbore from dozens of statutory provisions Congress could repeal.

But the heart of Title II, as comprehensively updated in 1996, is ensuring service on just, reasonable, and non-discriminatory terms. That's a timeless promise, with no expiration date or tether to past networks. And it's simply not possible to achieve when people have no public officials or sound body of laws protecting them against service outages in times of emergency or disaster, price-gouging and other anti-consumer practices, and discrimination in terms of where broadband is deployed and how it is offered.

We can disagree on which protections should apply to that service, including Net Neutrality rules often debated in this room; but we cannot sit idly by and let the legal and lobbying assault on Title II erase "advanced telecommunications" from the law Congress wrote in 1996. We must fill that vacuum if we want deployment, to quote the Act, "of advanced telecommunications capability to all Americans."

Funding universal broadband and protecting its users requires sound jurisdiction – not regulations tacked on only if ISPs still offer telephone service. We need a flexible but firm framework for public investment and oversight. Corporate forces alone won't provide affordable, robust access to every corner of your districts.

**2. Measuring Broadband Affordability, and Improving Public Support For It.**

*A. Modernizing Lifeline or Renewing ACP to Overcome Digital Divides.*

Lawmakers must do more too. The Lifeline program remains crucial, but $9.25 a month is inadequate to connect individuals let alone entire households to the internet of today. Yet Chairman Carr wants to slash Lifeline enrollment to score culture-war points, covering his actions in what he thinks are zingers about deceased individuals still on the rolls – a minuscule percentage of the entire enrollment, according to initial analysis by John Horrigan at the Benton Institute for Broadband & Society. As Commissioner Gomez explained in her partial dissent last month, many proposals in Carr's latest Lifeline item duplicate the prohibitions and verification provisions already in place. As she said, such moves would waste public funding and use inaccurate sources, highlighting "the partisan undertones of immigration-related policy proposals that are untethered to demonstrated program integrity issues."

Instead of attacking Lifeline, we should bolster it. But we should find progressive funding sources, not balloon regressive contributions to USF by merely dumping broadband into the base without doing more to protect people from bill-shock and other abuses. Free Press Action's preferred method for this was renewing the Affordable Connectivity Program, which had connected 23 million households with up to a $30 per month subsidy when it ended in 2024.

Rather than renewing that successful program, as Commissioner O'Rielly and broadband providers also advised, Congress let it lapse. That begs the question: in an affordability crisis, where we will apparently spend a billion dollars a day for reckless wars, will we not spend $30 a month to keep kids connected so they can do their homework?

When it comes to the need for such support, it's not just Lifeline-eligible individuals who may struggle to get connected and stay connected today. The FCC has a role here too. I'll reiterate what I said just above: The FCC should not set broadband prices. But it should at least know what they are! Chairman Carr has failed to comply with his agency's statutory mandates. While he has plenty of time to tweet threats to broadcast licenses from Mar-a-Lago, he's not yet completed the annual Section 706 report that Congress requires, even after 14 months as FCC Chair. Yet his proposals for conducting that report last August suggested that the FCC should stop even looking at pricing and affordability issues to determine whether broadband really is available to everyone in the United States.

Carr then claimed in your January FCC oversight hearing that these prices he won't even deign to measure are dropping. He cited little if any data for that claim, and that's why decided to dig in on actual pricing trends and metrics for wired and wireless internet access services.

*B. Measuring the Prices People Actually Pay for Broadband Service.*

The broadband market is not like many product markets, where the price advertised is the price everyone pays. Prices in markets for many consumer goods, commodities, and even utilities are far more transparent and easier for researchers to measure. In contrast, the broadband market is often a complicated maze for users, with myriad promotional and non-promotional prices, hidden fees, and constant price hikes excused by carriers as "value enhancements."

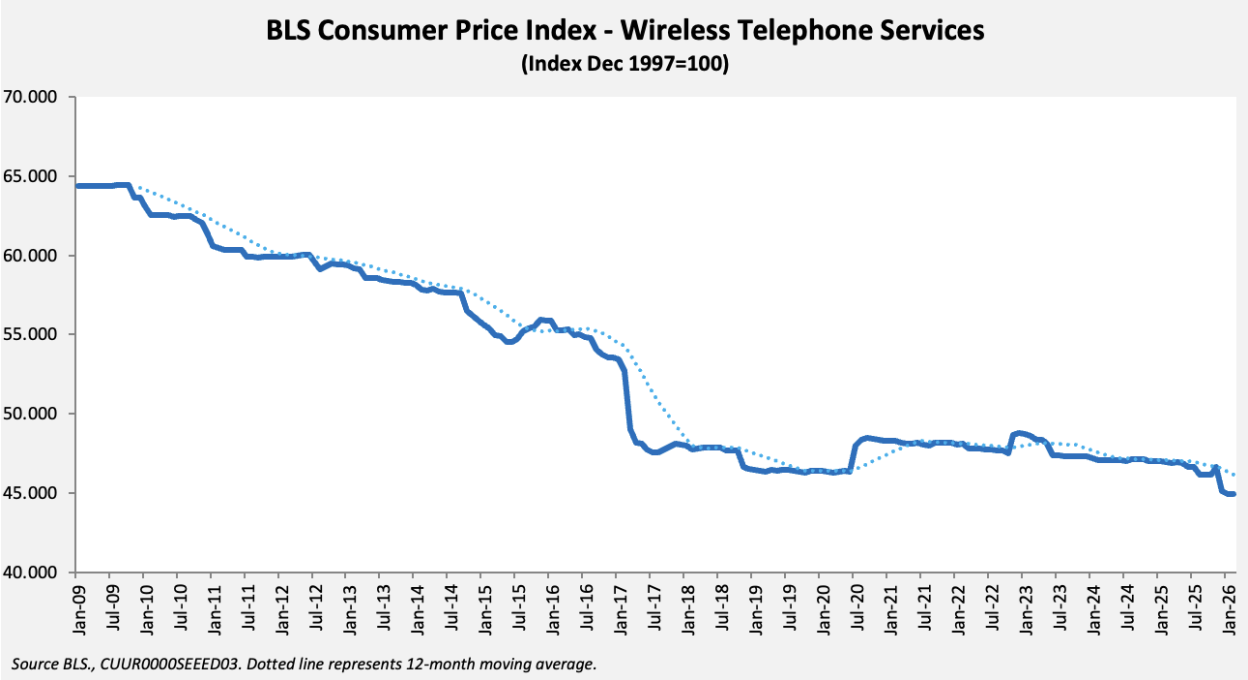
With broadband, there are three main ways to measure price, and within each there are variations: Price Paid, meaning the actual dollar amount customers fork over each month; Published Price/"Rack Rates," which are often promotional rates; and Quality-Adjusted Price, which ISPs and Chairman Carr favor, to put a positive spin on the constant price increases in this market by focusing solely on "price per megabit" or some other unit. While this last measure can be informative, it is often presented in misleading ways, without clearly noting it's not the actual price advertised or paid. And a customer may be perfectly happy with their current service package, and not want a 10 percent price increase that comes with a 25 percent increase in downstream speeds. It is also important to keep in mind that this is a technology consumer product market, where we should expect quality-adjusted prices to continually decline.

The most-frequently updated nationwide source of broadband pricing data is the Bureau of Labor Statistics' Consumer Price Index for Urban ("CPI-U") consumers purchasing cellular and internet access services. CPI-U index values offer insight into how home internet and cellular service price offerings change over time, relative to both expected technological improvements and general economic inflation.

Chairman Carr's misleading assertion about falling prices seems to be based on the CPI-U index for cellular services, which did show a moderate one-month decline in December 2025, in what is almost-certainly an example of the BLS making such a one-off adjustment in how it incorporates changes in offerings made by service providers. But what Carr neglected to highlight is that the wireless CPI-U index has been in decline ever since it rose sharply in the months following the first Trump administration's approval of the T-Mobile/Sprint merger.

As Figure 1 below shows, the trends Carr seeks to take credit for started during the Biden Administration; and it was the same trend seen during the two Obama terms as well, which stalled out during the first Trump term.

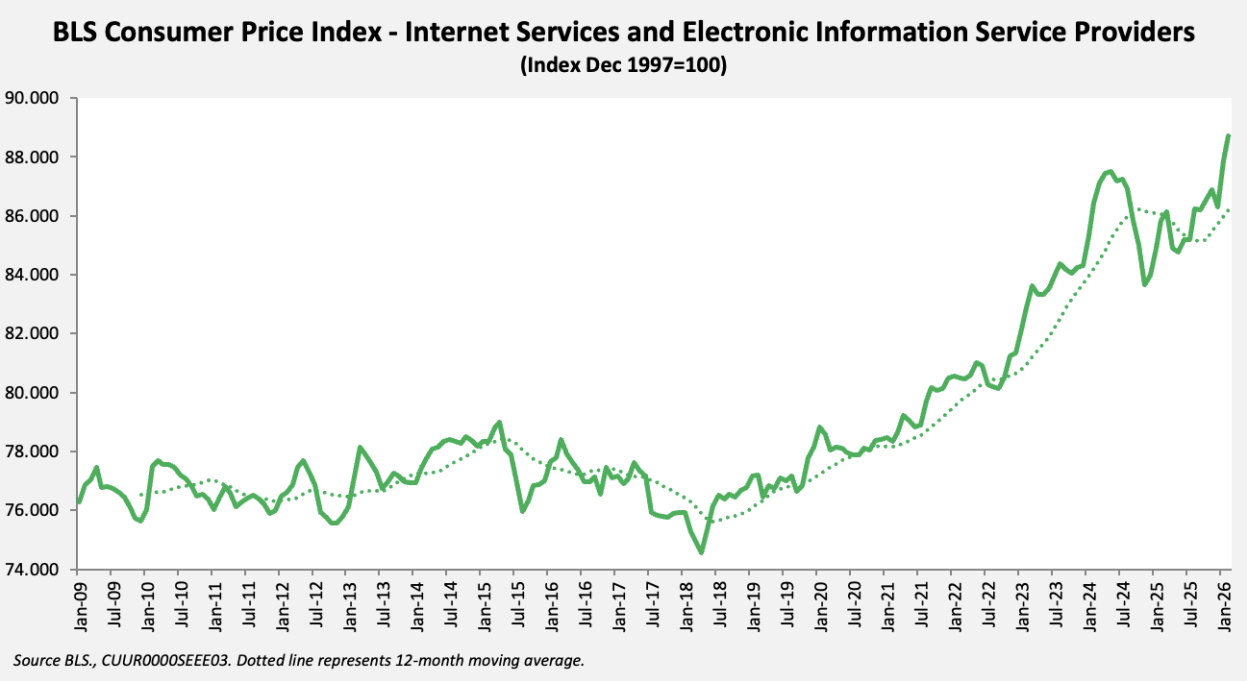
**Figure 1**




The CPI-U index data for home internet services tells a different story, and the contrast with the trend for the wireless CPI-U data reflects in part the reality that the wireless marketplace is significantly more competitive than the home internet market's cable-telco duopoly.

This data shows that the quality-adjusted price offerings for home internet access services (and other internet services included in this index) were relatively stable before reaching a temporary peak in early 2015, declining until mid-2018, then steadily increasing since. The CPI-U index value for Internet Services now stands at its highest value since the BLS reset the index in 2006 to account for the decline in dial-up services.

**Figure 2**




This rise in the home internet CPI-U index value since Chairman Pai reclassified broadband as an information service comes even as ISPs offered faster transmission speeds and unlimited data. That's why we need to also examine what people are actually paying each month, not just the quality-adjusted prices ISPs are advertising.

Although actual price is the most important metric for economic analysis and policymaking, it's not something easily obtained at a granular level. We can gauge it though using two methods.

There are a variety of surveys that estimate what people pay on average for broadband and wireless service. By far the most comprehensive of these is the Bureau of Labor Statistics' Consumer Expenditures Survey ("CEX"). Unlike company-specific data, the CEX data captures the entire U.S. broadband market, not just what is happening at large publicly traded firms.

Using each publicly traded ISP's SEC filings, we can often calculate Average Revenue Per User ("ARPU") for residential broadband, and ARPU or Average Revenue per Account ("ARPA") for cellular services. Collectively, they tell a story that will surprise no one who pays these bills and tries to manage a budget amidst seemingly endless inflation and wage stagnation.

Broadband prices have consistently increased well above the rate of inflation (until the rate of inflation got out of hand because of COVID). Figure 3 represents what the average household that bought internet access paid for that service. This data shows households writing a monthly check that consistently increased in nominal terms, and only was flat in real terms in recent years due to the unusually high level of overall economic inflation.

**Figure 3**

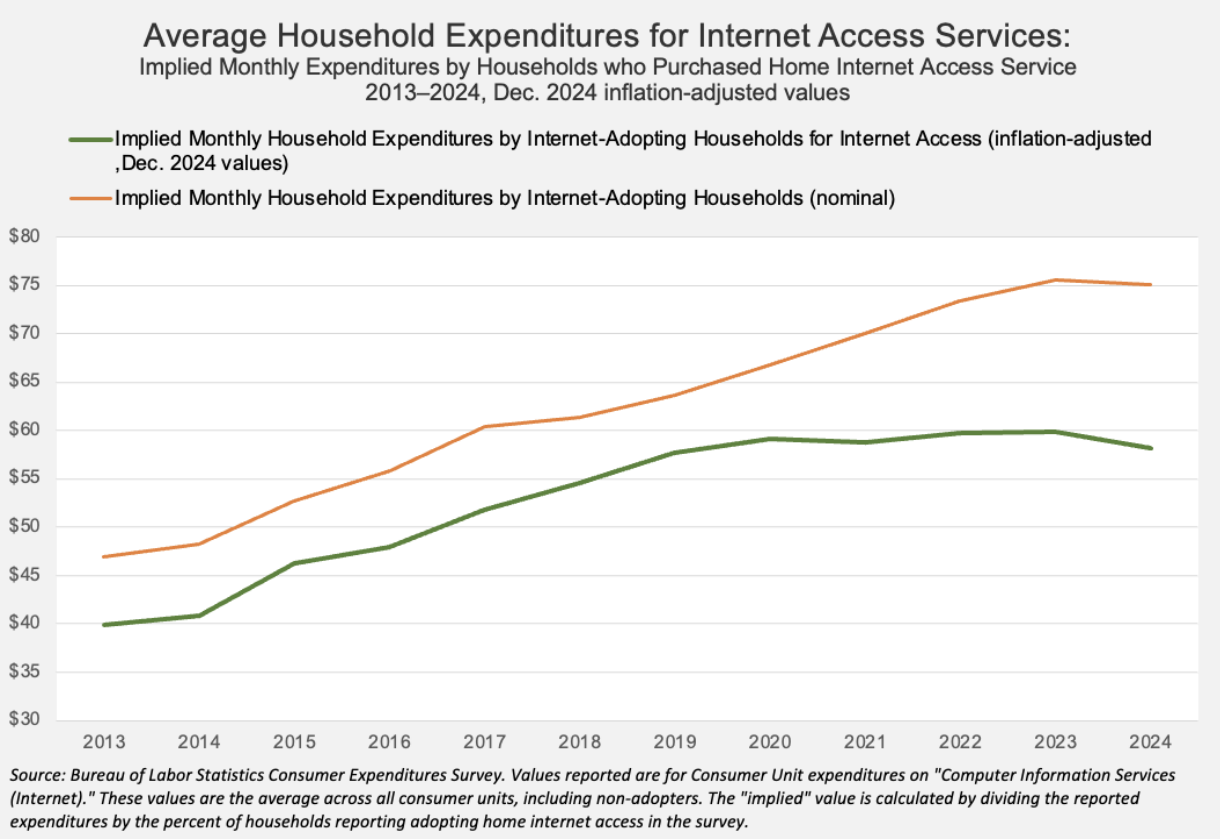
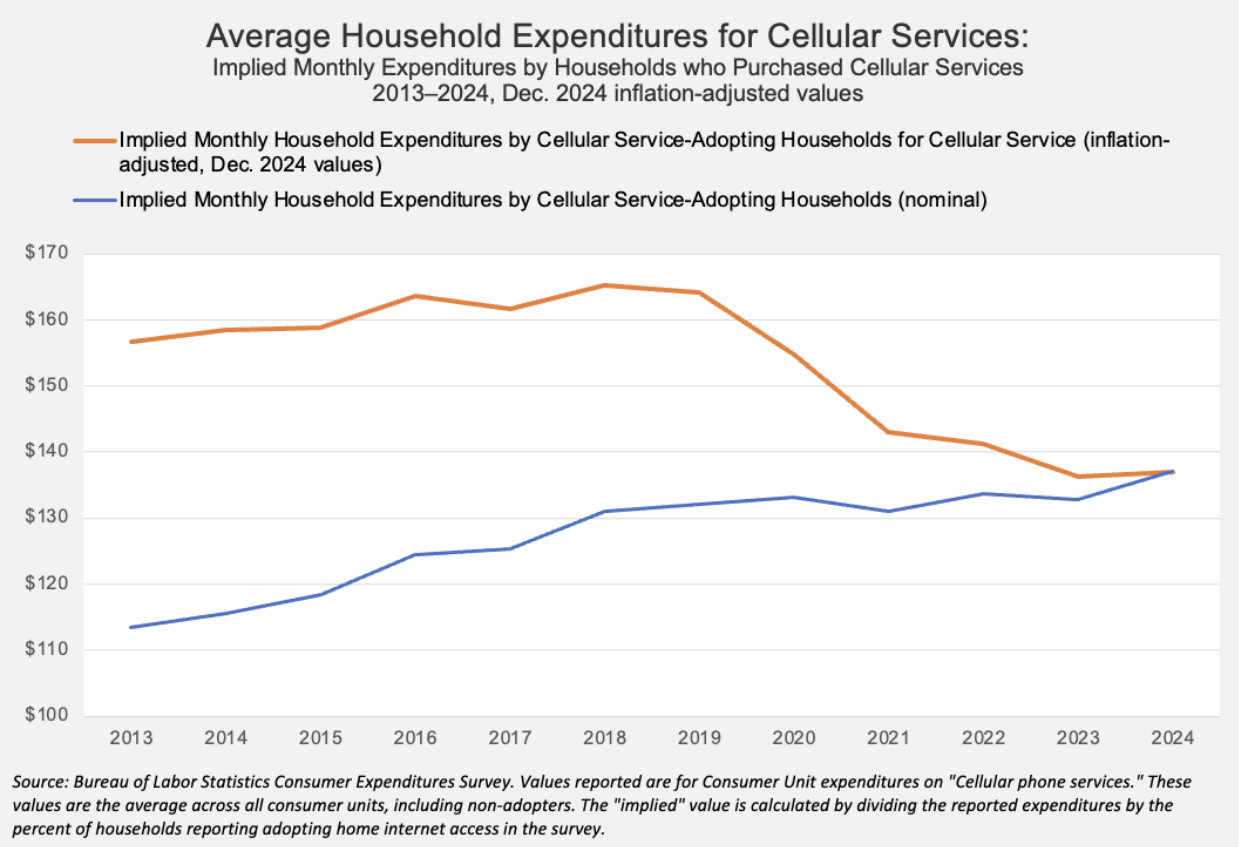



Figure 4 represents what the average household that purchased cellular services paid each month. This data shows the actual amount paid increasing steadily over time, reaching an all-time high in 2024 (the most-recent published CEX data). Again, the high level of overall economic inflation during the post-COVID period, combined with relatively stable nominal cellular prices resulted in a price decline in inflation-adjusted terms since 2019.

**Figure 4**




Company-specific average revenue per user data also reflects continued hikes in the actual prices families pay for home internet access services. The nominal ARPU for Comcast's residential broadband customers increased 19 percent between 2020 and 2025 (from $62.30 to $74.37), and Charter's residential broadband ARPU increased 22 percent during this time (from $58.44 to $71.21). During the past 5 years AT&T's residential broadband ARPU increased more than 35 percent (from $52.40 to $71.08).

Though constant changes to how companies report makes direct comparisons over long periods impossible, we observe in this ARPU data similar steady increases in the prices families are actually paying each month for cellular services.

Between the start of 2023 and the end of 2025, AT&T saw a 7.3 percent increase in the average revenue per consumer postpaid wireless account (from $145.43 to $155.89). During this time Verizon's wireless retail postpaid ARPA increased 14 percent (from $130.06 to $147.91). And T-Mobile's postpaid ARPA increased 9 percent (from $138.04 to $150.17) during this time. Notably none of the major wireless carriers reported a decline in postpaid ARPA during the final quarter of 2025, despite the December decline in the cellular CPI-U. This reflects that CPI-U is a quality-adjusted index, and may also reflect that some carriers brought back temporary plan perks during the holiday shopping season.

In sum, there's no reason to accept Chairman Carr's assertions that prices are falling – much less his implication that his actions (or really, inaction) caused any decline. Though the broadband and cellular markets are now very mature, the reality is that telecom prices, like pay-TV prices, have increased above the rate of general inflation for much of history, as a consequence of a largely unregulated market with high barriers to entry and suboptimal competition. Your constituents don't want their lawmakers to obfuscate, and certainly are not helped when Carr takes credit for imaginary price declines.

Lastly, on fulfilling the broadband goals of the 1996 Act: It's unfortunate that the Trump NTIA has sputtered, stalled, and only barely now started releasing funding for the BEAD program you enacted in the bipartisan infrastructure law. The letter sent by Ranking Members Pallone, Matsui, and Clarke to NTIA Administrator Roth in November 2025 lays out well-justified concerns about that agency's implementation efforts and its interference with the letter and the spirit of that law.

They wrote that, "[i]n January 2025, the Trump Administration inherited the BEAD Program on the cusp of connecting every American household and business to fast, reliable, and affordable internet. . . . But for reasons that defy logic and the law, both Secretary Lutnick and [Roth] have taken consistent steps to sabotage BEAD and abandon Congress's bipartisan commitment to expand affordable, high-speed internet access to everyone in America."

Focused once again on culture-war concerns and trumped-up claims of saving taxpayers' money that Congress had already committed to spend on this crucial mission, the Trump NTIA questioned states' careful decisions and planning, and jeopardized their ability to invest in future-proofed fiber networks or expenditures on broadband adoption and opportunity programs. After an additional year or more of the delay that it wrongly complained of by the last administration, the current one has barely gotten money out the door and shovels in the ground.

**3. Promoting Broadcast Diversity and Competition, Not This President's Viewpoints.**

The 1996 Act paved the way for runaway consolidation in the broadcast industry. In its deregulatory rush, the FCC hasn't honored its own goals of promoting competition, diversity, and localism in broadcasting. It has too often gullibly accepted broadcasters' claim that the only way to have more competition is with fewer competitors. That the only way to have more viewpoint and ownership diversity is with fewer voices. And the only way to have more local coverage is with more national, homogenized stories and distant corporate control.

Of course, while we may fault the 1996 Act for touching off consolidation waves in TV and radio for thirty years now, the FCC should still read it and follow its clear pronouncements. One such crystal clear statement is the 39 percent national audience reach cap that Congress wrote into that law via a 2004 amendment.

Unsatisfied by the consolidation and deregulation that the Act already does allow, the Carr Commission just last week rammed through the Nexstar/TEGNA deal to make the nation's largest TV conglomerate even larger. And it did so at the Bureau level, without a full Commission vote; and in tight coordination with the merger applicants themselves, who purported to close the deal mere minutes after the Bureau order's appearance.

Purporting to waive a numerical limit for national audience reach set by Congress itself is a remarkable act of regulatory hubris. Doing so at the Bureau level makes that decision more infirm. Free Press is already in court this week, alongside cable and satellite companies, unions, and other public interest groups challenging this decision at the DC Circuit. The anti-competitive impacts of Nexstar merging with TEGNA are staggering, and Carr's decision brushed them off with barely any analysis at all. Yet the audacity to ignore the cap Congress itself set in 2004 is what Commissioner O'Rielly once rightly called a "preposterous" attempt at "one of the biggest backdoors in the history of legislating."

Most galling of Brendan Carr's offenses are those to the First Amendment, as he works to appease President Trump's whims and dangerous accusations of treason leveled at journalists who merely disagree with him and report the facts as they see fit. Free Press has chronicled those elsewhere, in agency filings, congressional testimony, and comprehensive reports.

Consolidation supercharges these censorship efforts. This FCC chairman ignores the facts, the law, and even the Constitution itself, whenever he pleases – so long as it pleases this president. He attacks free expression and freedom of the press relentlessly. He polices speech and threatens broadcasters for coverage he doesn't like, or deems untrue. That should be and is barred by the First Amendment, and by Section 326 of the Communications Act as well.

Carr twists the public interest standard too, yet blames Democrats for their own past charges of "news distortion" against a company like Sinclair, for eerily echoed editorials forced onto all of its stations. Sinclair's actions in 2018 were a failure of localism, to be sure. Yet I agree that some congressional Democrats were wrong to characterize that practice as "news distortion." Anyone who criticizes Democrats' 2018 letter, but stays strategically silent on Carr's abuse today, does not actually stand for the First Amendment.

Carr claims he threatens licensees to "empower" local broadcasters. That's ludicrous. He's just favoring the conglomerates he likes. Giants like Nexstar are "local" the same way CVS is a local pharmacy. And as we saw in Carr's Jimmy Kimmel debacle, which Senator Cruz compared to blackmail, allowing fewer and fewer players to dominate the airwaves makes it easier to put the squeeze on companies all too eager to gain regulatory favors.

Yet not all mergers get such a quick greenlight. Carr has wrongly held up deals until companies met his demands to swear off their diversity and inclusion efforts. When demanding concessions, Carr offers no proof of actual and actionable discrimination. The prospect of local TV news monopolies is a dire policy failure, frightening for any democracy that values viewpoint diversity or dissent. The prospect of a weaponized merger review process used to reward a president's friends and damage his enemies is yet another accelerant to that threat.

**3. Keeping the FCC Out of Internet Content Regulation and AI Preemption.**

There is some reason in looking back at the 1996 Act to think about Section 230 as well, which was placed into the Communications Act in the same public law. That provision is well within this Subcommittee's jurisdiction of course, and I had the honor of testifying about it before you in December 2021.

Free Press Action believes that Section 230 remains vital for promoting free expression online, but could benefit from debate on surgical updates clarifying the shield's applicability. Members on both sides of the aisle have expressed a desire to do even more to change or even sunset that law. We can talk about that more, and I am sure we will. What I would like to stress today though is that interpreting Section 230 does not belong in the discussion of what the Federal Communications Commission or NTIA can or should be charged with doing.

From the first Trump Administration through Brendan Carr's turn as the only sitting government official to author a chapter in "Project 2025," there was a certain zeal for these two agencies to use Section 230 as a cudgel against online content they didn't like. This president and this administration certainly haven't shied away from using such cudgels. They've jawboned, bullied, threatened, and chilled speech, attacking journalistic institutions and individual reporters, in ways that shock the conscience and should shock Congress to act. Luckily though, there has been little talk since Carr's chairmanship began, of him pursuing his dreams to judge online platforms "good faith" in the content moderation and editorial decisions they make.

In the past year, Carr's efforts to appease the president have also attempted to involve the FCC in a number of hot button tech issues that Congress has not placed under the FCC's jurisdiction. That's why late last year, Free Press joined our allies at the Electronic Privacy Information Center and the Surveillance Technology Oversight Project to file comments opposing the FCC's proposals for preempting state AI regulations. The agency claims it has the authority to intervene because state and local regulations of AI might have some impacts on telecommunications service providers (which currently does not mean broadband providers).

State and local efforts to regulate the suite of technologies broadly defined as "AI" are often bipartisan and enjoy broad public support. There is no evidence that current efforts to regulate AI, including policies requiring impact assessments and human review, create an "effective prohibition on AI use," as some industry players have claimed. Regulation may place some burden on some industry players; but that is not a sufficient ground for this federal agency to preempt the implementation of much-needed civil rights, consumer protection, or other regulations on industries well outside of its jurisdiction.