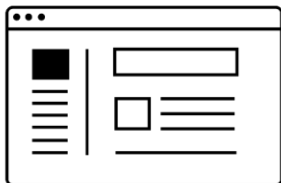


# FCC's privacy protection rules repealed under S.J.Res.34

## Details on the effort and who was involved



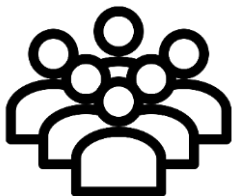
### What does the resolution say?

- Using the Congressional Review Act, the resolution would reverse FCC Internet privacy rules put in place when Tom Wheeler was FCC chairman, and prohibit the FCC from passing anything similar to them in the future
- The privacy rules delineated that the FCC was to take over privacy protection enforcement from the FTC. The rules included requirements for broadband providers to obtain permission from their consumers to sell their browsing activity to advertisers
- On March 23, 2017, the Senate voted 50-48 to repeal the FCC privacy rules and on March 28, 2017, the House voted 215-205 to repeal the rules
- The measure was sent to the president to sign. The White House indicated its support of the repeal beforehand, and President Trump signed the resolution on April 3, 2017



### Difference between FTC and FCC enforcement

- For the most part, the privacy frameworks of the FTC and FCC match up; however, the FCC has greater scope to enforce its rules and requires ISPs to protect browsing history
- The Ninth Circuit appeals court decided that AT&T was a common carrier in *FTC v. AT&T* (2016). Under this federal ruling, the FTC does not have authority to regulate how ISPs manage privacy. If the FCC privacy rules are repealed, the federal ruling could directly conflict with an FTC takeover of privacy protection enforcement and create a regulatory gap



### Who is involved with the resolution?

- Senator Jeff Flake (R-AZ) introduced the resolution on the Senate side, which is sponsored by 22 Republican senators including Senator Flake
- Representative Marsha Blackburn introduced the resolution's companion in the House

Sources: Harper Nedig, "Blackburn bill would roll back broadband privacy regulations," *The Hill*, March 8, 2017; Jacob Kastrenakes, "Republicans introduce resolution to kill FCC's internet privacy rules," *The Verge*, March 7, 2017; Jeff Flake US Senator, 2017; Clint Finley, "The FCC seems unlikely to stop Internet providers from selling your data," *WIRED*, March 1, 2017; Jon Brodtkin, "AT&T's common carrier status helps it defeat data throttling lawsuit," *ArsTechnica*, August 29, 2016; Noun Project, 2017.