



ASSOCIATION OF  
RESEARCH LIBRARIES

EDUCAUSE

December 4, 2015

The Honorable Paul Ryan  
Speaker  
U.S. House of Representatives

The Honorable Nancy Pelosi  
Minority Leader  
U.S. House of Representatives

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate

The Honorable Harry Reid  
Minority Leader  
U.S. Senate

Dear Speaker Ryan, Leader Pelosi, Leader McConnell and Leader Reid,

The American Library Association (ALA), the Association of Research Libraries (ARL), and EDUCAUSE respectfully ask you to oppose the inclusion of any language in the Omnibus Appropriations bill that would affect the authority of the Federal Communications Commission (FCC) to enforce its Open Internet Order addressing Net Neutrality.

ALA, ARL and EDUCAUSE believe that preserving an open Internet is essential to our nation's educational achievement, freedom of speech, and economic growth. The open Internet has become a cornerstone of the educational, academic, and computer services that libraries and higher education offer to students, teachers, and the general public. Libraries and higher education institutions are prolific producers of Internet content. We rely upon the public availability of open, affordable Internet access for school homework assignments, distance learning classes, e-government services, licensed databases, job-training videos, medical and scientific research, and many other essential services. It is vital that the Internet remains a network neutral environment so that libraries and higher education institutions have the freedom to create and provide innovative information services that are central to the growth and development of our democratic culture.

Our organizations joined with several other higher education and library organizations and issued a set of Net Neutrality Principles in July 2014.<sup>1</sup> We participated actively in the FCC's Open Internet proceeding that led to the adoption of the Open Internet Order on February 26, 2015. We are extremely pleased that the Open Internet Order incorporated many if not all of our Principles. For instance, the Open Internet Order specifically recognizes the importance of an

---

<sup>1</sup> <http://www.ala.org/news/press-releases/2014/07/higher-education-library-groups-release-net-neutrality-principles>.

open Internet for education, learning and public access, and it authorizes the FCC ombudsperson to look into the concerns of libraries and higher education to ensure that we have effective access to the Commission’s enforcement processes.

Attaching language to an appropriations bill concerning the enforcement of the FCC’s Open Internet Order would undermine the established processes for both administrative and legislative actions. The FCC followed the traditional “notice-and-comment” process in developing its rules, and millions of consumers participated. The legal issues in this proceeding are now being adjudicated in the courts. Congress itself established the Congressional Review Act as the process for overturning administrative decisions, and Congress chose not to act on this issue earlier this year. A last-minute appropriations rider would improperly circumvent the appropriate legislative and administrative processes.

Libraries and higher education increasingly depend on the open Internet to fulfill our missions to serve the general public. Without an open and neutral Internet, there is great risk that *prioritized* delivery to end users will be available only to content, application and service providers who pay extra fees, an enormous disadvantage to libraries, education, and other non-profit institutions. In short, Internet Service Providers (ISPs) should allow users the same priority of access to educational content as to entertainment and other commercial offerings.

For these reasons, ALA, ARL and EDUCAUSE believe that the FCC’s decision should be upheld and should not be curtailed by Congressional action. The current Open Internet Order provides a strong, effective framework for ensuring that the “virtuous circle of innovation” continues to advance the ability of libraries and higher education to serve essential public interests, among many other benefits. We urge you to uphold the FCC’s authority to preserve the openness of the Internet and to oppose any proposal to overturn or undermine the FCC’s net neutrality decision.

Respectfully Submitted,



Emily Sheketoff  
American Library Association (ALA)



John O’Brien  
EDUCAUSE



Elliott Shore  
Association of Research Libraries (ARL)