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Oppose Use of the Congressional Review Act to Repeal the FCC's Open Internet Rules

February 15, 2011

The Honorable Fred Upton
Chairman
The Honorable Henry Waxman
Ranking Member
Committee on Energy & Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Greg Walden
Chairman
The Honorable Anna Eshoo
Ranking Member
Subcommittee on Communications,
Technology & the Internet
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Upton, Ranking Member Waxman, Chairman Walden, and Ranking Member Eshoo:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, along with the undersigned organizations, we write to urge you to vote against any attempt to use the Congressional Review Act (CRA) to repeal the Federal Communication Commission's (FCC) Open Internet rules. Though the organizations represented by this letter have taken different views on the Open Internet rules, we are united in the view that congressional plans to overturn these rules using the CRA would cause significant harm, particularly to the constituencies represented by our organizations, and divert attention from other critical media and telecommunications issues that are so vital to our nation's economic and civic life.

The CRA, 5 U.S.C. §§ 801-808, is a blunt instrument. The terms of the Act require complete repeal of the agency action in question in a simple "yes or no" vote. For this reason, use of the CRA would mean that critical long-established protections will be repealed along with newer proposals adopted for the first time in December. Use of the CRA would eliminate the FCC's authority to enforce its reasonable Open Internet principles, including those that prevent private blocking of constitutionally-protected speech.

A free and open Internet is of particular concern to civil rights organizations because the Internet is a critical platform for free speech. It is also a tool for organizing members and for civic engagement; a chance for online education and advancement which is essential to economic development and job creation; a means by which to produce and distribute diverse content; and an opportunity for small entrepreneurs from diverse communities who might not otherwise have a chance to compete in the marketplace.



As you know, the FCC adopted Open Internet rules in December after an extensive and detailed process. As a result, the Commission for the first time adopted a set of enforceable rules that many diverse parties agree will protect against severe abuse, promote free expression on the Internet, and encourage job-creating investment in broadband networks. These rules include a number of non-controversial common-sense policies, such as the right of a consumer to reach any lawful content via the Internet while preserving network providers' ability to manage their networks. The rules adopted in December will help get all Americans online: for example, consumers with low incomes will be better able to select a service at a price they can afford under the Commission's new transparency rules.

We also urge Congress and the Commission to move forward on other critical media and telecommunications policy initiatives. As we explained to the FCC last fall, we believe it is critical for the Commission to renew its focus on expanding broadband adoption among people of color; closing the digital divide; extending universal service support to broadband services; adopting provisions to protect consumer privacy; and implementing the 21st Century Communications & Video Accessibility Act of 2010.

In closing, we strongly urge you to oppose use of the Congressional Review Act to repeal the Federal Communications Commission's Open Internet rules. We also hope that Congress and the Commission will move forward expeditiously to implement the National Broadband Plan to expand deployment and adoption of new technologies and high-speed Internet for all Americans. Should you require further information or have any questions regarding this issue, please contact The Leadership Conference Media/Telecommunications Task Force Co-Chairs, Cheryl Leanza 202-904-2168, Christopher Calabrese, 202-715-0839, or Corrine Yu, Leadership Conference Senior Counsel and Managing Policy Director, at 202-466-5670.

Sincerely,

AFL-CIO
American Civil Liberties Union
American Federation of Teachers
Campaign for Community Change
Communications Workers of America
NAACP
The Leadership Conference on Civil and Human Rights
National Organization for Women
United Church of Christ, Office of Communication, Inc.