

ALA American Library Association

February 6, 2019

The Honorable Mike Doyle
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives

The Honorable Bob Latta
Ranking Member
Subcommittee on Communications and Technology
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America's libraries—120,000 strong—depend upon an open internet to carry out their missions and to serve their communities. The American Library Association (ALA) is a nonprofit organization based in the United States that provides leadership for the development, promotion and improvement of library and information services and the profession of librarianship to enhance learning and ensure access to information for all. As the oldest and largest library association in the world, ALA is consistently on the front lines of efforts to protect the open internet with many other public interest organizations. We thank Energy and Commerce Chairman Pallone (D-NJ) and Communications and Technology Chairman Doyle (D-PA) for their leadership on this vital issue and particularly thank Chairman Doyle for his work in the previous Congress to overturn the FCC's repeal of net neutrality protections.

Without strong rules protecting the open internet and ensuring transparency of commercial ISPs' network management practices and commercial terms—as outlined in the FCC's 2015 Open Internet Order—the modern library and its functions are imperiled. Absent a “cop on the beat,” commercial ISPs have the financial incentive and the opportunity to block, degrade or prioritize access to internet-based applications, services and content. These practices, if permitted, would have severe adverse impacts on online education, research, learning and free speech.

In short, high-capacity broadband is vital infrastructure that libraries and many other institutions need to carry out their public interest missions. Furthermore, these institutions rely on open, unfettered internet access both to retrieve and contribute content on the World Wide Web. In fact, over the past fifteen years, the public interest mission of libraries has become highly intertwined with the internet, and internet access has long passed the time in which it was an “add-on”— it is now mission critical. The democratic nature of the internet as a neutral platform for carrying information and research to the general public and supporting online collaboration and participation is strongly aligned with libraries' commitment to provide access to and enable engagement with diverse information, digital content, and research.

Unfortunately, the majority of the Federal Communications Commission showed no recognition of the value of the internet for education, learning, research and other services in the public interest in the 2017 order repealing net neutrality protections. We hope this oversight will be addressed and ameliorated through future policymaking. Indeed, a free and open internet *is* important for innovation and commerce, but the educational and public interest benefits of an open internet are just as important.

Libraries are innovative internet users. Virtually every library across the country now provides broadband services at no charge to its patrons, and 98 percent of public libraries provide wireless (Wi-Fi) access as well.¹ According to a 2016 survey by the Pew Research Center, 29 percent of library-using Americans 16 and older said they had gone to libraries to use computers, the internet, or a public Wi-Fi network.² (That amounts to 23 percent of all Americans ages 16 and above.)³ Library patrons regularly use their library's internet access to take advantage of job-training courses, distance learning opportunities, remote medical services, access to e-government services, computer and technology training, and more.⁴

Specifically, the role of libraries' broadband connections in helping people access government services cannot be overstated. The E-Government Act of 2002 mandated that federal agencies cut back many traditional programs for the public and, in their place, offer government services in digital form. This model has been replicated in states and localities across the country. This process allows agencies to cut staffing and office infrastructure costs. It often places the burden on people, however, to find the means of accessing new electronic government services. For people in need of government assistance, this change in the means of service provision by public sector agencies is resulting in the use of local public libraries as de facto e-government service centers.⁵ Public law libraries provide unbiased access to legal information for members of the public, the courts, the bar, self-represented litigants, and small business owners; much of which is available online. The library provides the means (computers with internet access) necessary to view and interact with electronic government services, especially for persons who do not have adequate (or any) broadband access at home.

Furthermore, librarians specialize in collecting and hosting robust databases of information, digitizing unique community artifacts and records, engaging community conversations through

¹ Larra Clark & Karen Archer Perry, "After access: Libraries and Digital Empowerment," (Dec 2015), http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/ALA%20DI%20After%20Access_final_12%2017%2015.pdf (last visited Jul 15, 2017).

² John B. Horrigan, "Libraries 2016," PEW RESEARCH CENTER: INTERNET, SCIENCE & TECH (2016), <http://www.pewinternet.org/2016/09/09/2016/Libraries-2016/> (last visited Jul 15, 2017).

³ Ibid

⁴ Ibid

⁵ Dharma Dailey, Amelia Bryne, Alison Powell, Joe Karaganis and Jaewon Chung et al., Broadband Adoption in Low-Income Communities, SOCIAL SCIENCE RESEARCH COUNCIL (2010) at p. 8. ("Government agencies, school systems, and large employers increasingly privilege web-based access to many basic services, including job and benefits applications. Because many of the constituents for these services have limited Internet access and/or limited Internet proficiency, these measures often shift human and technical support costs onto libraries and other community organizations that do provide access, in-person help, and training.")

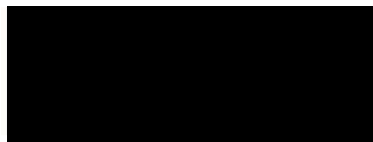
social media, recording and sharing oral histories, developing innovative media, enabling local creation and distribution of digital content, and preserving the free flow of information and research over the public internet for all people. Over 90 percent of public libraries offer their patrons access to commercial reference and periodical databases from thousands of sources.⁶

ALA is especially concerned that, absent strong net neutrality protections, commercial ISPs have financial incentives to block, degrade or prioritize internet service to certain commercial internet companies or customers, thereby disadvantaging nonprofit or public entities such as colleges, universities, K-12 schools, and libraries. For instance, such providers could sell faster or prioritized transmission to certain entities (“paid prioritization”) or could degrade internet applications that compete with the commercial providers’ own services. Libraries and other institutions that cannot afford to pay extra fees could be relegated to the “slow lane” on the internet. A non-neutral net, in which commercial providers can pay for enhanced transmission that libraries, schools, and higher education cannot afford, endangers our institutions’ ability to serve our communities.

ALA and our allies argued in an amicus filing in support of the petitioners in *Mozilla v. FCC* that the FCC’s actions to undo strong net neutrality rules will “imperil the internet’s continued operation as a reliable platform for research, learning and information sharing and that the FCC’s decision should be reversed as arbitrary and capricious.” We believe the petitioners will be successful in reversing the FCC’s disastrous 2017 decision.

Should the Committee see fit to put forward legislation on net neutrality, ALA believes that any legislation must put in place a strong legal standard and provide the enforceable net neutrality protections outlined in the FCC’s 2015 Order. The library community is eager to work with Congress and the FCC on this vital issue.

Sincerely,



Kathi Kromer
Associate Executive Director, Washington Office

cc: The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce

The Honorable Greg Walden
Ranking Member
Committee on Energy and Commerce

⁶ Larra Clark & Karen Archer Perry, “After Access: Libraries and Digital Empowerment”