

FCC's repeal of net neutrality: what's next?

On December 14, a majority of the Federal Communications Commission (FCC) voted to gut net neutrality protections limiting the power of Internet Service Providers (ISPs) to block, slow down, or assign preference to some online content and services over others. This 3-2 vote to roll back strong, enforceable net neutrality protections passed in 2015 was made in the face of widespread protests; millions of public comments; and overwhelming opposition from across the political spectrum, including ALA and its members responding to grassroots action alerts.

This FCC decision opens the door for very different experiences of the Internet—for content consumers *and* creators—including for libraries and the patrons they serve. But for now, these changes are likely further in the future. The country's largest ISPs have told customers they will not see a change in how they experience the web. But the FCC vote is not the final word on this issue: other decision-makers are taking action to preserve net neutrality.

Action in Congress

Right after the vote, members of Congress announced their intent to attempt to nullify the FCC's actions. The Congressional Review Act (CRA) gives Congress the ability and authority to review a new agency regulation and pass a joint resolution to overrule it. A CRA would repeal the latest FCC order and restore 2015 net neutrality protections, but is subject to presidential approval. CRA will be officially introduced after the new FCC order is published in the *Federal Register*. As of

this writing, 50 senators have stated support for a CRA, and only one more vote will be needed to pass it.

Action in the courts

Just hours after the FCC vote, 187 state attorneys general announced they would be taking the FCC to court. "There is a strong legal argument that with this action, the federal government violated the Administrative Procedure Act," Washington state Attorney General Bob Ferguson said in his statement. So far, a group of attorneys general for 21 states and the District of Columbia have sued to block the rules. So did Mozilla, the maker of the Firefox browser, and several public interest groups. Others may file suit as well, and a major tech-industry lobbying group has said it will support litigation.

Action in the states

In addition to legal action, several states and localities have indicated they would like to hold ISPs accountable for ensuring a neutral net for consumers in their areas. It is still very early, some suggestions are not yet formal legislative proposals. Others, like the state of Montana, have executive orders announcing the state's intention to enforce net neutrality rules within their borders.

Library advocates can help by signing up for action alerts from ALA's Washington Office, so we can reach you quickly when direct action is needed. Right now, you can email your members of Congress and ask them to use a Joint Resolution of Disapproval under the CRA to repeal the recent FCC action and restore the 2015 Open Internet Order protections.

One way to stay informed is by following the Washington Office blog District Dispatch, where we will continue to update you on developments as we work together to preserve a neutral Internet. **ZZ**

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