

December 9, 2015

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

The Honorable Mitch McConnell
Majority Leader
U.S. Senate

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

The Honorable Harry Reid
Minority Leader
U.S. Senate

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

We are writing to urge you to refrain from including riders relating to net neutrality and the Federal Communication Commission's Open Internet Order in the upcoming omnibus spending legislation.

Earlier this year, the House Appropriations Committee rushed to pass three net neutrality-related riders, Sections 628-630. After the House's action, several technology companies met with lawmakers on both sides of the aisle in the Senate to share how these riders are harmful to innovation and the thriving startup culture in the U.S.

The Senate considered our input, and as a result, the committee did not include two of the three net neutrality riders in its bill. One of the omitted riders would have enacted a "legislative stay" to the Open Internet Order by withholding funding for implementation until all court cases are decided. On June 11, the U.S. Court of Appeals for the D.C. Circuit denied a request for a stay of the FCC's Open Internet Order, and the rules became effective on June 12. To that end, the Senate removed this provision, which would have bred more uncertainty for American business and all parties involved.

The second provision that the Senate omitted sought to impose a new, onerous reporting requirement of the FCC. While we agree that sunlight is the best antiseptic—that's why we have advocated for strong net neutrality rules to hold the gatekeepers of the Internet accountable—this would create barriers for the FCC to do its job and ensure that we compete and operate on a fair playing field.

We thank the Senate Appropriations Committee and its Subcommittee on Financial Services and General Government for recognizing the importance of the tech industry to the U.S. economy by declining to include the harmful House-passed provisions. To that end, we ask that these riders also be excluded from the omnibus bill or any spending vehicle.

We recognize that the House and Senate Committees on Appropriations passed provisions to prevent the FCC from implementing rate regulation. To be clear, we agree with the committees

that retail rate-setting may be a harmful practice; however, the rate regulation riders that passed the committee process are drafted in a broad manner that could create unintended consequences for telecommunications policy by eliminating FCC safeguards for broadband markets, Internet entrepreneurs, app makers, and Internet users alike. (We note too that the FCC has forborne from rate-setting and tariffing provisions in the current rules). To that end, we request the issue be addressed through regular order, a more thoughtful and pragmatic approach, rather than in the often chaotic appropriations process.

Thank you for your consideration. We look forward to working together in a bipartisan manner to achieve policies that breed competition and innovation while supporting American jobs and bolstering economic growth.

Sincerely,

Internet Freedom Business Alliance (IFBA)
Computer and Communications Industry Association (CCIA)
Engine Advocacy
INCOMPAS
Automattic
Codecademy
Cogent Communications
Contextly
Distinc.tt
Dwolla
Etsy
Fandor
General Assembly
Kickstarter
Level 3 Communications
Mapbox
Meetup
David Pakman, Venrock
Tumblr
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