WASHINGTON, D.C.—June 9, 2006 – The U.S. Court of Appeals for the District of Columbia Circuit has just issued a 2-1 decision denying the American Council on Education (ACE) appeal of the Federal Communications Commission’s rules extending provisions of the Communications Assistance for Law Enforcement Act (CALEA) to include the Internet. While EDUCAUSE, ACE, and other higher education associations are still studying the decision of the three-judge panel, the court’s opinion is mixed.

On the one hand, the higher education community will be disappointed that the court upheld the FCC’s contention that CALEA provisions apply broadly to the Internet. ACE and other members of a coalition that EDUCAUSE formed around this issue believed they had established a strong legal case that CALEA did not apply to providers of facilities-based Internet access or voice-over-IP.

On the other hand, the court reaffirmed provisions within CALEA that specifically exempt private networks, such as those operated by many colleges and universities, from such regulation by the FCC. This is good news for higher education.

However, the language of the decision is complex, and further study will be required before determining the next steps in the process.

EDUCAUSE Vice President Mark Luker said, “Although we are disappointed in the decision overall, we are pleased to see the reaffirmation of the view that CALEA does not apply to our private networks. EDUCAUSE will participate in the next steps of the legal process on behalf of its members, and will work with our community in the near future to identify appropriate options and recommendations for institutions.”

Learn more about the importance of this issue to higher education and the public at the EDUCAUSE CALEA resource site.

About EDUCAUSE

EDUCAUSE is a nonprofit association whose mission is to advance higher education by promoting the intelligent use of information technology. The current membership comprises more than 2,000 colleges, universities, and educational organizations, including 200 corporations, with 15,000 active members. EDUCAUSE has offices in Boulder, Colorado, and Washington, D.C. Learn more at www.educause.edu.